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ILLINOIS DOCUMENTS

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# ILLINOIS

## REGISTER

RULES  
OF GOVERNMENTAL  
AGENCIES



Volume 24, Issue 29  
July 14, 2000

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# ILLINOIS REGISTER

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## INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

## REGISTER PUBLICATION SCHEDULE 2000

Issue #	Copy Due by 4:30 p.m.	Publication Date	Issue #	Copy Due by 4:30 p.m.	Publication Date
Issue 1	December 27, 1999	January 7, 2000	Issue 28	June 26	July 7
Issue 2	January 4, 2000*	January 14	Issue 29	July 3	July 14
Issue 3	January 10	January 21	Issue 30	July 10	July 21
Issue 4	January 18*	January 28	Issue 31	July 17	July 28
Issue 5	January 24	February 4	Issue 32	July 24	August 4
Issue 6	January 31	February 14**	Issue 33	July 31	August 11
Issue 7	February 7	February 18	Issue 34	August 7	August 18
Issue 8	February 14	February 25	Issue 35	August 14	August 25
Issue 9	February 22*	March 3	Issue 36	August 21	September 1
Issue 10	February 28	March 10	Issue 37	August 28	September 8
Issue 11	March 6	March 17	Issue 38	September 5*	September 15
Issue 12	March 13	March 24	Issue 39	September 11	September 22
Issue 13	March 15	March 26	Issue 40	September 18	September 29
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Issue 17	April 10	April 21	Issue 43	October 16	October 27
Issue 18	April 17	April 28	Issue 44	October 23	November 3
Issue 19	April 24	May 5	Issue 45	October 30	November 13**
Issue 20	May 1	May 12	Issue 46	November 6	November 17
Issue 21	May 8	May 19	Issue 47	November 13	November 27**
Issue 22	May 15	May 26	Issue 48	November 20	December 1
Issue 23	May 22	June 2	Issue 49	November 27	December 8
Issue 24	May 30*	June 9	Issue 50	December 4	December 15
Issue 25	June 5	June 16	Issue 51	December 11	December 22
Issue 26	June 12	June 23	Issue 52	December 18	December 29
Issue 27	June 19	June 30	Issue 1	December 26*	January 5, 2001

\* Tuesday 12 noon deadline following a state holiday.

\*\* Monday publication date following a state holiday.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

upgraded to reflect increases of 3.5% which is identical to the range changes recently ratified by the American Federation of State, County and Municipal Employees for collective bargaining employees.

- 6) Will this proposed amendment replace an emergency amendment currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain any incorporations by reference? No
- 9) Are there any proposed amendments pending to this Part? Yes
- | Section Numbers | Proposed Action | Ill. Reg. Citation |
|-----------------|-----------------|--------------------|
| 310.280         | Amend           | 24 Ill. Reg. 4292  |
| 310.280         | Amend           | 24 Ill. Reg. 5802  |
| 310.280         | Amend           | 24 Ill. Reg. 7574  |
- 10) Statement of Statewide Objectives: These amendments to the Pay Plan pertain only to State employees subject to the Personnel Code and do not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Mr. Michael Murphy, Manager  
Division of Technical Services  
504 William G. Stratton Building  
Springfield, Illinois 62706  
(217) 782-5601

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None. The Department of Central Management Services' Pay Plan extends only to Personnel Code employees under the jurisdiction of the Governor.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the proposed amendments is identical to the emergency amendments published on page 1033 of this Illinois Register.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Pay Plan

- 2) Code Citation: 80 Ill. Adm. Code 310

Section Numbers:	Proposed Action:
310.100	Amend
310.110	Amend
310.130	Amend
310.290	Amend
310.490	Amend
310.530	Amend
310.540	Amend
APPENDIX B	Amend
APPENDIX C	Amend
APPENDIX D	Amend
APPENDIX G	Amend

- 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

- 5) A Complete Description of the Subjects and Issues Involved: The following amendments to Sections 310.110, 310.130, 310.290, 310.450, 310.530, 310.540, 310-Appendices B, C, D and G reflect the Fiscal Year 2001 changes that affect those employees subject to the Schedule of Salary Grades and Merit Compensation.

In Sections 310.110 (Implementation of Pay Plan Changes for Fiscal Year 2001), 310.130 (Effective Date) and 310.530 (Implementation), the dates are being changed to reflect the new Fiscal Year 2001.

In Section 310.290, Out-of-State or Foreign Service Rate, the salary ranges for the Foreign Service, Schedule of Salary Grades and Merit Compensation out-of-state titles are being upgraded to maintain the same differential above the revised schedules that are being given a 3.5% general increase.

In Sections 310.100 and 310.490, Other Pay Provisions, the biannual pay provision is being revised to add that employees who are required to use Braille shall receive an additional 5% or \$100.00 per month, whichever is greater, in addition to the employee's base rate.

In Section 310.540, Annual Merit Increase Guidechart for Fiscal Year 2001, the Merit Compensation guidechart will remain the same with only the date being revised.

In Appendices B, C, D and G, the salary ranges for the Schedule of Salary Grades, Medical Administrator Rates, Merit Compensation System Salary Schedule and Broad-Band Pay Range Classes Salary Schedules are being



DEPARTMENT OF HUMAN SERVICES  
NOTICE OF PROPOSED AMENDMENTS

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary form compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: the need for this rulemaking was not anticipated.

The full text of the Proposed Amendment is identical to the emergency amendment on page **10360** of this issue of the *Illinois Register*.

DEPARTMENT OF HUMAN SERVICES  
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Comparable Benefits
- 2) Code Citation: 89 Ill. Adm. Code 567
- 3) Section Numbers: 567.20  
Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act (20 ILCS 2405/3(a), (b) and (k)), 29 USC 721(a)(8), and 34 CFR 361.47(b).
- 5) A Complete Description of the Subjects and Issues involved: This rulemaking amends this Section on the definition of Comparable Benefits to require customers to make formal application for financial assistance when they are requesting DHS-ORS to pay for the training. The rulemaking also requires customers to apply for Medicaid under specified conditions. The eligibility or ineligibility for these benefits will in no way affect the delivery of VR services from ORS.
- 6) Will this proposed rule replace an emergency rule currently in effect?  
Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Bldg.  
Springfield IL 62762.  
(217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis:



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Office of Inspector General Adults with Disabilities Abuse Project

- 2) Code Citation: 59 Ill. Adm. Code 51

<u>Section Numbers:</u>	<u>Proposed Action:</u>
51.10	New Section
51.20	New Section
51.30	New Section
51.40	New Section
51.50	New Section
51.60	New Section
51.65	New Section
51.70	New Section
51.80	New Section
51.90	New Section

- 4) Statutory Authority: Implementing and authorized by the Abuse of Adults with Disabilities Intervention Act [20 ILCS 2435].

- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking establishes the rules for the Department's Adults with Disabilities Abuse Project. The rules outline the project that is located within the DHS Office of Inspector General. The rules outline the means for receiving reports of suspected or alleged abuse, neglect, or exploitation, the way these reports will be assessed and, if substantiated, and if the individual consents, how a service plan will be developed to ameliorate the abuse, neglect or exploitation. The rulemaking implements Senate Bill 818 (PA 91-671).

- 6) Will this proposed rule replace an emergency rule currently in effect?  
Yes

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed rule contain incorporations by reference? No

- 9) Are there any other rules pending on this Part? No

- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED RULES

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Bldg.  
Springfield IL 62762  
(217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Those who are providers with service contracts with DHS.

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: "This rulemaking was not anticipated at the time of the last Regulatory Agenda."

The full text of the Proposed Rules is identical to the Emergency Rules published in this issue of the *Illinois Register* on page **10864**.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Provider Requirements, Type Services, and Rates of Payment

- 2) Code Citation: 89 Ill. Adm. Code 686

- 3) Section Numbers:  
686.900 Proposed Action:  
686.910 Amendment  
686.920 Amendment  
686.930 Amendment  
686.940 Amendment

- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

- 5) A. Complete Description of the Subjects and Issues involved: This rulemaking amends the Sections concerning Case Management Services to Persons with AIDS. It removes the requirement that a case management team composed of a social worker and a Registered Nurse be used for AIDS Waiver case management functions, replacing it with a requirement that the case management be provided by a single case manager, either a social worker or in health care which has been successful in stabilizing the health of many persons living with AIDS, and a determination to focus case management on the support services needed by the persons with AIDS to live in the home and the community.

- 6) Will this proposed amendment replace an emergency amendment currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed amendment contain incorporations by reference? No

- 9) Are there any other amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Bldg.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

Springfield IL 62762  
Telephone number: (217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing case management services to HSP.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary form compliance: Administrative

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated when the Regulatory Agenda was developed.

The full text of the Proposed Amendment begins on the next page:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 89: SOCIAL SERVICES

## CHAPTER IV: DEPARTMENT OF HUMAN SERVICES

## SUBCHAPTER d: HOME SERVICES PROGRAM

## PART 686

## PROVIDER REQUIREMENTS, TYPE SERVICES, AND RATES OF PAYMENT

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 686.30 Annual Review of PA Performance  
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## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

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## Section

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## SUBPART J: CASE MANAGEMENT SERVICES TO PERSONS WITH AIDS

## Section

686.900 Program Overview  
 686.910 Case Management Provider Responsibilities  
 686.920 Provider Staffing Requirements, Qualifications, and Training  
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## Section

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 686.1020 Case Manager Staffing Requirements, Qualifications and Training  
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DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

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**AUTHORITY:** Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

**SOURCE:** Adopted at 19 Ill. Reg. 5104, effective March 21, 1995; amended at 20 Ill. Reg. 12479, effective August 28, 1996; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 22 Ill. Reg. 18945, effective October 1, 1998; amended at 22 Ill. Reg. 19262, effective October 1, 1998; amended at 23 Ill. Reg. 499, effective December 22, 1998; amended at 23 Ill. Reg. 6457, effective May 17, 1999; amended at 24 Ill. Reg. 7501, effective May 6, 2000; amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART J: CASE MANAGEMENT SERVICES TO PERSONS WITH AIDS

Section 686.900 Program Overview

The Department of Human Services—Office of Rehabilitation Services (DHS-ORS) shall enter into agreements with agencies to provide case management services to persons diagnosed with AIDS, which includes persons with human immunodeficiency virus (HIV) infection, who are eligible for services provided by the AIDS Medicaid Waiver. For geographical areas in Illinois in which case

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

management agencies are not located, case management shall be provided by DHS-ORS BHS Home Services counselors, utilizing licensed home health nurses as needed to comply with the services offered and the requirements contained in Section 686.910(b), (c), (d) and (e).

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

Section 686.910 Case Management Provider Responsibilities

a) Case Management Terms

1) The case management agency (hereafter referred to as provider) shall receive customer referrals from hospitals, the Illinois Department of Public Health's AIDS Hotline, HSP AIDS Unit, other State and local agencies, and other referral services (e.g., doctors and individuals). The provider shall assign a case manager management-team (CMT) to each customer.

2) The case manager CMT shall have full responsibility for the determination of eligibility, including assessment, development of plans of care, and arrangement and implementation of services to be provided. There shall be two levels of case managers: CMT Provisional and CMT Case managers CMT and case managers CMT Provisional Case managers CMT are those who have not achieved a competency score of 96% or greater for the on-site case reviews done by the HSP AIDS unit, per Section 686.930(d). Assessments, service plans and reassessments completed by case managers CMTs may be implemented without consultation with the HSP AIDS Unit. Provisional case managers CMTs shall submit all developed plans to the HSP AIDS Unit for approval. Approval of the plan will be based on a review to determine that: the Determination of Need Assessment on which the plan is developed is complete and accurate; the plan meets the needs identified by the assessment; the plan does not place the customer's health and safety at risk; the plan is cost effective compared to comparable institutional care; and the plan has been approved by the customer's physician.

3) The case manager shall have the option of using a Registered Nurse to review and advise the case manager on the health aspects of the assessment and reassessment and to act as a liaison with hospital discharge planner, physician, home health agencies and other medical provider agencies.

b) The case manager CMT shall provide the following services:

- 1) Initial assessment of eligibility and information gathering (89 Ill. Admin. Code 682);
- 2) development of a case plan and implementation (89 Ill. Admin. Code 684);
- 3) reassessment of level of care at least every six months for those cases in formal eligibility, three months for those cases that

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have been presumptively determined eligible for interim services (89 Ill. Adm. Code 684.40), or at such time when the customer's financial or physical condition or need for services changes;

- 4) networking/coordination/brokering services (i.e., referring and assisting the customer in obtaining other agencies' services);
- 5) assisting the customer when personal assistance problems develop. Documentation of these problems and the case management team's responses will be kept in the customer's case file;
- 6) counseling and advocacy;
- 7) acting as inter-agency liaison (e.g., with other DHS programs, vendors, hospitals);
- 8) contacting customer a minimum of three times per month, one contact being a face-to-face visit;
- 9) maintaining and updating customer records; and
- 10) monitoring the cost effectiveness of the service plan (89 Ill. Adm. Code 679.50).

## c) Eligibility for AIDS Waiver

- 1) Within 10 working days (exceptions being 2 working days for prescreening referrals from cooperating hospitals for interim/emergency services, 5 working days for all other prescreening for interim/emergency services) after receipt of a referral, the case manager **EMW** shall complete an individual's eligibility determination for the AIDS Waiver program.

- 2) The case manager **EMW** shall determine customer eligibility for the AIDS Waiver by completing an assessment from a home visit or while the applicant is hospitalized (89 Ill. Adm. Code 682). To determine customer eligibility, the case manager **EMW** will utilize the HSP Determination of Need Assessment (89 Ill. Adm. Code 682).
- 3) The case manager **EMW** shall assess the customer's limitations in activities of daily living (ADLs) (e.g., cooking, bathing, shopping) and what resources are available to assist the customer in performing the ADLs (89 Ill. Adm. Code 682).

- 4) Notice of eligibility must be mailed to the HSP AIDS Unit within ten working days after the date on which a completed application is received by the case management contracting agency.

- d) The case manager **EMW** will provide a case action notice to each customer informing him or her of the eligibility determination, of all rights and responsibilities under the case management program, including the customer's right to request an appeal, the appeals procedures promulgated by the Department, the right to receive assistance in filing the request for appeal and information about the services of the Client Assistance Program (CAP) and how to reach CAP.

## e) Service Plan

- 1) If the assessment demonstrates the need for intermediate care facility (ICF), skilled nursing facility (SNF), or hospital care because of the disability of AIDS/HIV, the case manager **EMW** shall develop a service plan that will allow the customer to live at home (89 Ill. Adm. Code 684.70).

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- 2) The service plan will be retained during the time the case is opened and for five years after closure, unless an audit exception has occurred. In the case of an audit exception, the service plan will be retained until the audit exception has been resolved. Copies of the service plan will be maintained in the case management team's locations and the HSP AIDS Unit. Closed cases will be retained in the HSP Central Office.

- 3) The service plan shall be approved by the customer's physician. If the plan is not approved by the customer's physician, it cannot be implemented and the customer cannot be served under the AIDS Waiver.

- 4) If implementation of services is delayed beyond required time limits in Subsection (c) of this Section, the case manager **EMW** must inform the HSP AIDS Unit and assist the customer to obtain an alternative provider.

- f) Records of contact with the customer will be entered and maintained in the customer's confidential case records. All contacts, verbal or written, with or on behalf of a customer shall be documented in a confidential case record. The case manager **EMW** is responsible for obtaining consents for the release of information as necessary and when required by law or regulation (Confidentiality of Records in 42 USC 4352c-7, 2906d-2, the AIDS Confidentiality Act (40 ILCS 305) and 89 Ill. Adm. Code 305 Confidentiality of Information).

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 686.920 Provider Staffing Requirements, Qualifications, and Training

- a) Each provider agency shall designate an individual who will be responsible for the administration of the case management program.

- by ~~the EMW shall consist of:~~

- i) ~~A full-time-registered-nurse (RN) and a full-time-social-worker or~~

- 2) ~~A half-time-registered-nurse and one full-time and one-half-time social-worker.~~

- be) The qualifications for case managers shall be as follows:

- 1) A Registered Nurse, with a current license and a Bachelor's degree in nursing, social work, social sciences or counseling or four years of case management experience; ~~of the RN shall be increased pursuant to the Illinois-Nursing Act of 1997--(425--1668 65);~~

- 2) ~~A~~ The social worker with ~~shall hold a minimum of a bachelor's degree in either social work, social sciences or counseling. A Bachelor's of Social Work or a Master's of Social Work from a school accredited by any organization nationally recognized for the accreditation of schools of social work is preferred.~~ or

- 3) An individual with a Bachelor's degree in a human services field

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c3) with a minimum of 5 years of case management experience.

d3) In addition, it is mandatory that:

- 1) ~~it is preferred, but not required, that the RN and the case manager social worker have a broad knowledge of community resources and networking, case management, and home care; and~~
- 2) The case manager have experience in working with:
  - A) addictive and dysfunctional family systems;
  - B) racial and ethnic minorities;
  - C) homosexuals and bisexuals;
  - D) persons with AIDS; and
  - E) substance abusers (e.g., drug users).

d4) ~~it is preferred, but not required, that the RN and the social worker have experience in working with:~~

- 1) ~~addictive and dysfunctional family systems;~~
- 2) ~~racial and ethnic minorities;~~
- 3) ~~homosexuals and bisexuals;~~
- 4) ~~persons with AIDS; and~~
- 5) ~~substance abusers (e.g., drug users);~~

d5) Each case manager ~~EMW~~ shall have no more than 30 customers. For case managers ~~EMWs~~ who that serve fewer than 30 customers, the full-time requirements may be met proportionately (e.g., 15 customers would require a 1/2 time case manager ~~EMW~~).

d6) Actually, each case manager ~~member of the EMW~~ shall undergo a minimum of 12 hours of in-service training that:

- 1) shall be furnished by the provider; and
- 2) shall be relevant to the provision of services to persons with AIDS (e.g., infectious disease control procedures, sensitivity training, and updates on information relating to treatment procedures).

d7) ~~Roles of the social worker and nurse shall be differentiated and defined:~~

- 1) ~~Social worker role---competing---with---the---cooperation---of---the---nurse---the---assessment---and---any---necessary---reassessments---networking---counseling---weekly---contact---advocacy---and---other---duties---not---covered---by---the---nurse---the---social---worker---is---the---primary---member---of---the---EMW.~~
- 2) ~~Nurse role---to review and advise the EMW on the health aspects of the assessment and reassessments and to act as a liaison with hospital discharge planners, physician home health agencies, and other medical provider agencies.~~

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 686.930 Monitoring and Liability of Provider

- a) The HSP AIDS Unit shall monitor the provider to assure compliance with this Subpart by:

- 1) reviewing and approving the assessment (Section 686.910(c)). The review will be conducted pursuant to the DHS' Home Services Program (89 Ill. Adm. Code 682), the service plan and payments for services;
- 2) reviewing provisional case managers ~~EMWs~~ as set forth in subsection (d) of this Section;
- 3) reviewing, on an annual basis, a random sample 10% of the cases handled in the preceding 12 months or two cases, whichever is greater;
- 4) The Supervisor of the AIDS Unit visiting at least annually, all contracting case management agencies.
- b) The HSP AIDS Unit shall monitor the service plans of customers served by a case manager ~~EMW~~ to ensure that:
  - 1) The case manager ~~EMW~~ is monitoring the customer's case at least monthly by carrying out at least one face-to-face visit and two other contacts with the customer;
  - 2) The case manager ~~EMW~~ is reassessing the service plan at least every six months for those cases in formal eligibility and every three months for those cases which have been presumptively determined eligible;
  - 3) Each of the reassessments undertaken by the case manager ~~EMW~~ is complete and accurate;
  - 4) Any amendments to the service plan are consistent with the findings of the reassessment;
  - 5) The service plan remains cost effective (i.e., the cost of the service plan is equal to or less than the State's hospital costs); and
  - 6) The service plan is approved by the customer's physician.
- c) DHS, Office of Rehabilitation Services, Central Office quality assurance staff shall:
  - 1) monitor the quality of the reviews conducted annually;
  - 2) provide case reviews of selected cases Statewide; and
  - 3) tabulate the findings from all reviews to determine accuracy levels, Statewide need for training and individual training needs.
- d) All ~~case managers of provisional~~ provisional case managers ~~EMWs~~ will work toward meeting the case manager ~~EMW~~ standards within six months after receiving the HSP AIDS Unit's Case Management Training. Complete case manager ~~EMW~~ status will be granted when six case file reviews attain a competency score of 98-100% using the review process described in this subsection (d).
  - 1) The HSP AIDS Unit nurse will review three case files within three months after from the end date of the provisional case manager's completion of the Case Management Training for the case manager ~~EMW~~. The case manager ~~EMW-a Case Manager~~ will be present and have the case manager Training Manual.
  - 2) The nurse will review each case file using the HSP AIDS Unit case file review quality assurance form.



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- 3) Using the Case Management Training Manual, the nurse will discuss each deficiency with the case manager.
- 4) A corrective action plan will be developed by the nurse for the case manager to resolve all deficiencies in the case files.
- 5) The case manager will implement the corrective action plan and complete all items prior to the next review of case files.
- 6) The nurse will review all files noted in the corrective action plan for compliance with case management practices.
- 7) The above process will continue until the cases reviewed for the case manager meet a 98-100% compliance score on six case file reviews.

e) A case manager ~~CMW~~ shall return to provisional status when any of the following events occur:

- 1) A review of files, per this Section, results in a score of 89% or less;
  - 2) Within the last year, HSP staff has made five requests for materials which were not submitted on time; or
  - 3) ~~The CMW has made an assessment or reassessment visit in the home without both members of the CMW present for the visit.~~
- Prior to the initiation of action to return a case manager ~~CMW~~ to provisional status, the Provider case manager of the case manager ~~CMW~~ will be sent a letter outlining the issues. The Provider case manager will have 10 days to respond. The case manager ~~CMW~~ will be returned to provisional status unless the Provider case manager can prove the event causing the action did not occur. Once a case manager ~~CMW~~ is returned to provisional status he/she must complete the measures outlined in subsection (d) of this Section.

f) Liability

- 1) DHS shall assume no liability for actions of the provider under the Agreement.
- 2) The provider shall agree to hold DHS harmless against any and all liability, loss, damage, cost or expenses arising from wrongful or negligent acts of the provider.
- 3) The provider shall certify that it has maintained and will maintain liability insurance coverage. Upon request, the provider shall make available policies, certificates of insurance or current letters documenting all insurance coverage.
- 4) The provider shall remain liable for the performance of any person, organization, unincorporated association or corporation with which it contracts.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 686.940 Provider Compliance Requirements**

In order to participate in the DHS-ORS BHS program to provide services to persons with AIDS, the provider agrees to meet the following minimum

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requirements that shall be reviewed by DHS annually for compliance.

a) Organization and Administration: The provider shall make available, upon request, its articles of incorporation, or if an unincorporated association (e.g., partnerships and limited partnerships) shall provide a statement of purpose and functions, and the names and addresses of its owners, partners, or general partners.

b) Audits: DHS reserves the right to audit all records and accounts pertinent to this Agreement at any time within five years after final completion date of the Agreement.

c) Policies and procedures: The provider shall have written policies approved by its governing authority (e.g., Board of Directors) and available for review by customers and purchasers of the service. Such policies shall at a minimum cover:

- 1) Service provided: Policy shall designate the type and scope of service provided. When more than one type of service is offered, there shall be a clear distinction between each type provided.
- 2) Personnel Policies: Policies shall cover salary schedules, hours of work, sick leave, provision for handling employee grievances, and requirements for attendance at work conferences and training sessions. There shall be written job descriptions identifying required qualifications and duties for each title. Policies shall also include the Centers for Disease Control (CDC) recommendations for health care workers for provision of services to persons with AIDS and the Illinois Statutes regarding AIDS, including the AIDS Confidentiality Act (410 ILCS 305).

d) State and Federal Statutes

- 1) All providers shall be subject to compliance with Illinois Statutes governing conflict of interest (Section 50-13 and 50-15 of the Illinois Procurement Code Purchasing--Act [30 ILCS 500/505/50-13 and 50-15]).
- 2) All providers shall agree to comply with the Civil Rights Restoration Act of 1987 P.L. 100-259), Title VI of the Civil Rights Act of 1964 (42 USC 68-6e-2000d), Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 68-6e-794), the Illinois Human Rights Act [4775 ILCS 5]/41-1047-et-seq., the Constitution of the United States, the 1970 Constitution of the State of Illinois and any laws, regulations or orders, State or Federal, that prohibit discrimination on the basis of race, color, sex, religion, national origin, ancestry, age, marital status, inability to speak or comprehend the English language, physical or mental handicaps, or unfavorable discharge from military service.

3) The provider shall comply with Section 290ee-3 of the Federal Drug Abuse Confidentiality Act (42 USC 68-6e-290ee3) and the AIDS Confidentiality Act [410 ILCS 301].

- e) Non-compliance: If the provider is not in compliance with the requirements of this Subpart, corrective actions up to and including termination of the contract shall be taken.

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(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Services
- 2) Code Citation: 89 Ill. Adm. Code 590
- 3) Section Numbers: Proposed Action:  
590.20 Amendment  
590.40 Amendment  
590.70 Amendment  
590.80 Amendment  
590.130 Amendment  
590.220 Amendment  
590.230 Amendment  
590.240 Amendment  
590.250 Amendment  
590.270 Amendment  
590.280 Amendment  
590.290 Amendment  
590.310 Amendment  
590.600 Amendment
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3], and authorized by Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625].
- 5) A Complete Description of the Subjects and Issues involved: This rulemaking amends various Sections of this rule. These amendments are necessary to address changes in the federal statutes that created the Individualized Plan for Employment (IPE). More importantly, five Sections are being amended to allow the Office of Rehabilitation Services to address shortfalls in case services funds caused by the level of federal support. These Sections are Financial Guidelines for Training Services, Graduate School Training, Choice of Training Facility/Institution, Transportation and Temporary Lodging, and Grades.

- 6) Will this proposed amendment replace an emergency amendment currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? Yes
- |                        |                        |                                   |
|------------------------|------------------------|-----------------------------------|
| <u>Section Numbers</u> | <u>Proposed Action</u> | <u>Illinois Register Citation</u> |
| 590.260                | Emergency              | 24 Ill. Reg. 6728, 4/28/00        |
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

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- 11) Time, Place, and Manner in which interested persons may comment on this Proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Bldg.  
Springfield IL 62762  
(217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary form compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was included on either of the 2 most recent regulatory agendas because: need for this rulemaking was not anticipated.

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments that begins on page **10374** of this issue of the *Illinois Register*.

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- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Numbers: Proposed Action:  
148.140 Amendment  
148.295 Amendment  
148.310 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 91-0712
- 5) Complete Description of the Subjects and Issues Involved: These proposed amendments to the Department's administrative rules concerning hospital services provide for certain reimbursement increases as required by the State's budget implementation plan for fiscal year 2001.

The revisions to Section 148.140 apply to hospitals providing outpatient services under the ambulatory procedure listing (APL) reimbursement system. For APL Group 5, psychiatric treatment services, and APL Group 6, physical rehabilitation services, children's hospitals will be reimbursed according to a new rate system. These changes are intended to make hospital billing more consistent for all age groups. Additionally, hospitals providing APL outpatient services will receive a one-time payment for services delivered between July 1, 1996, and June 30, 1996. The payment amount will be determined on the basis of a specific rate amount paid for certain procedures including adult services, pediatric psychiatric services and pediatric physical rehabilitation services. Changes to Section 148.310 add a review procedure regarding the one-time payment. This one-time payment is intended to recognize unexpected changes in the volume of Medicaid services.

Changes to Section 148.295 provide new qualitative criteria and specific rate increases concerning direct hospital adjustments (DHA) in the critical hospital adjustment program (CHAP). Some of these DHA increases will be calculated on the basis of a hospital's Medicaid inpatient utilization rate (MIUR). Hospitals with the greatest Medicaid service levels will receive the most significant DHAs. Other DHA changes are also being provided according to hospital type and either Total days, Obstetrical days, MIUR or Total admissions.

The Department anticipates an increase in spending of approximately \$14.3 million for hospital services during fiscal year 2001.

- 6) Will these proposed amendments replace emergency amendments currently in effect? Yes

- 7) Does this rulemaking contain an automatic repeal date? No



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- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
148.120	Amendment	March 31, 2000 (24 Ill. Reg. 5631)
148.310	Amendment	March 17, 2000 (24 Ill. Reg. 4053)
148.340	Amendment	March 17, 2000 (24 Ill. Reg. 4053)
148.350	Repeal	March 17, 2000 (24 Ill. Reg. 4053)
148.360	Repeal	March 17, 2000 (24 Ill. Reg. 4053)
148.370	Amendment	March 17, 2000 (24 Ill. Reg. 4053)
148.380	Repeal	March 17, 2000 (24 Ill. Reg. 4053)
148.390	Amendment	March 17, 2000 (24 Ill. Reg. 4053)

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

- 11) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Jones  
Office of the General Counsel, Rules Section  
Illinois Department of Public Aid  
201 South Grand Avenue East, Third Floor  
Springfield, Illinois 62763-0002  
Telephone: (217)524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 12) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Hospitals enrolled in the Department's Medical Assistance Program
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on Which this Rulemaking Was Summarized: This rulemaking was not included on either of the two most recent agendas because: This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the proposed amendments is identical to the text of the emergency amendments which appears on page **10388** in this issue of the Illinois Register.

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1) Heading of the Part: Long Term Care Reimbursement Changes

2) Code Citation: 89 Ill. Adm. Code 153

3) Section Numbers: 153.125  
Proposed Action:  
Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 91-0712

5) Complete Description of the Subjects and Issues Involved: These proposed amendments to the Department's rules concerning long term care reimbursement are necessary to provide reimbursement increases as mandated by Public Act 91-0712. The amendments provide for a rate increase of 2.5 percent per resident day for long term care facilities (skilled and intermediate care nursing facilities) and facilities for persons with developmental disabilities) and developmental training agencies, for services provided on or after July 1, 2001.

The Department anticipates a budgetary increase of \$45.2 million for fiscal year 2001 as a result of these changes affecting long term care facilities and developmental training agencies.

For the Department of Human Services, the rate increases affecting ICF/MR facilities are expected to result in an increase of approximately \$7.8 million for fiscal year 2001.

6) Will these proposed amendments replace emergency amendments currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Jones  
Office of the General Counsel, Rules Section  
Illinois Department of Public Aid  
201 South Grand Avenue East, Third Floor

## DEPARTMENT OF PUBLIC AID

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Springfield, Illinois 62763-0002  
(217)524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice.

The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Long term care facilities, including SNF/ICF and ICF/MR facilities, and developmental training agencies

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on Which this Rulemaking Was Summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the proposed amendments is identical to the text of the emergency amendments which appears in this issue of the Illinois Register on page **0423**

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- 1) **Heading of the Part:** Medical Assistance Programs
- 2) **Code Citation:** 89 Ill. Adm. Code 120
- 3) **Section Numbers:**  
120.20  
**Proposed Action:**  
Amendment
- 4) **Statutory Authority:** Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13], Public Act 91-0699 and Public Act 91-0712
- 5) **Complete Description of the Subjects and Issues Involved:** These proposed amendments are necessary to implement recent changes in State law regarding the income standard for medical assistance eligibility. Under Public Act 91-0699, the ABWD MANG income standard is being increased to 70 percent of the Federal Poverty level. The Department anticipates that these changes will result in a spending increase during fiscal year 2001 of approximately \$58.7 million.
- 6) **Will these proposed amendments replace emergency amendments currently in effect?** Yes
- 7) **Does this rulemaking contain an automatic repeal date?** No
- 8) **Do these proposed amendments contain incorporations by reference?** No
- 9) **Are there any other proposed amendments pending on this Part?** No
- 10) **Statement of Statewide Policy Objectives:** These proposed amendments do not affect units of local government.

11) **Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking:** Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Jones  
Office of the General Counsel, Rules Section  
Illinois Department of Public Aid  
201 South Grand Avenue East, Third Floor  
Springfield, Illinois 62763-0002  
Telephone: (217)524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

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These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 12) **Initial Regulatory Flexibility Analysis:**
  - A) **Types of small businesses, small municipalities and not-for-profit corporations affected:** None
  - B) **Reporting, bookkeeping or other procedures required for compliance:** None
  - C) **Types of professional skills necessary for compliance:** None
- 13) **Regulatory Agenda on Which this Rulemaking Was Summarized:** This rulemaking was not included on either of the two most recent agendas because: This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the proposed amendments is identical to the text of the emergency amendments which appears on page 10427 of this issue of the Illinois Register.



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1) **Heading of the Part:** Medical Payment

2) **Code Citation:** 89 Ill. Adm. Code 140

3) **Section Numbers:**  
140.445 Proposed Action:  
140.474 Amendment

4) **Statutory Authority:** Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13], Public Act 91-0707 and Public Act 91-0712

5) **Complete Description of the Subjects and Issues Involved:**

**Pharmacy Services**

These proposed changes to the Department's rules on pharmacy services are being made in response to a drug pricing investigation by the National Association of Medicaid Fraud Units, the U.S. Justice Department, and several states' attorney generals. Investigators focused on 428 NDCs (National Drug Codes) and found that the average wholesale price (AWP) information being provided to First DataBank by certain drug manufacturers was significantly inflated. This finding led to an agreement with the drug manufacturers and with First DataBank that "true" (real) average wholesale prices are to be provided to state Medicaid programs. Because of this, for drugs that are wholesale priced on the basis of the "true" market wholesale price, the Department must eliminate the discount that is currently applied to wholesale prices under Section 140.445. Continuation of the discounting technique for "true" (real) wholesale prices would result in pharmacies and physicians receiving less reimbursement for drugs, under the Medical Assistance Program, than their actual acquisition costs.

Under the Department's current policies, drug reimbursement is based upon discounted wholesale prices that are reduced by 10 percent for brand name drugs and 12 percent for generic drugs. Applying these discounts to "true" (real) average wholesale prices would result in inadequate reimbursement to providers for prescription drugs and the consequent inability of physicians and pharmacies to provide necessary services to the Department's medical assistance clients. This would force clients into the hospital setting as the only means of continuation of therapy.

The Department anticipates that the use of the actual market average wholesale drug prices and the elimination of the current discounts against these "true" (real) average wholesale prices will result in savings to the Department of approximately \$7 million during FY 2001. Absent the proposed changes, service utilization would shift to costly environments and result in significant spending increases for necessary medical services.

DEPARTMENT OF PUBLIC AID  
NOTICE OF PROPOSED AMENDMENTS  
  
**Home Health Services**

The Department is also proposing changes to Section 140.474 regarding reimbursement levels for home health services that are provided under the Medical Assistance Program. Covered services under the home health program include skilled nursing care, home health aides, speech therapy, occupational therapy and physical therapy. In accordance with Public Act 91-0707, reimbursement levels for such services shall be increased, effective July 1, 2000, except for services for children whose care is subsidized by the Illinois Department of Children and Family Services (DCFS). Payments for DCFS subsidized services are negotiated on an individual patient basis but cannot be greater than the agency's usual and customary charge to the general public. These changes are expected to result in a budgetary increase of approximately \$6 million for FY 2001.

6) **Will these proposed amendments replace emergency amendments currently in effect? Yes**

7) **Does this rulemaking contain an automatic repeal date? No**

8) **Do these proposed amendments contain incorporations by reference? No**

9) **Are there any other proposed amendments pending on this Part? Yes**

Sections	Proposed Action	Illinois Register Citation
140.11	Amendment	June 30, 2000 (24 Ill. Reg. 8800)
140.12	Amendment	June 30, 2000 (24 Ill. Reg. 8800)
140.21	Amendment	June 30, 2000 (24 Ill. Reg. 8800)
140.502	Amendment	June 30, 2000 (24 Ill. Reg. 8800)
140.503	Amendment	June 30, 2000 (24 Ill. Reg. 8800)
140.505	New Section	June 30, 2000 (24 Ill. Reg. 8800)
140.506	Amendment	June 30, 2000 (24 Ill. Reg. 8800)
140.700	Amendment	June 30, 2000 (24 Ill. Reg. 8800)

10) **Statement of Statewide Policy Objectives:** These proposed amendments do not affect units of local government.

11) **Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking:** Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Jones  
Office of the General Counsel, Rules Section  
Illinois Department of Public Aid  
201 South Grand Avenue East, Third Floor  
Springfield, Illinois 62763-0002,  
(217) 524-0081

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The Department requests the submission written comments within 30 days after the publication of this notice.

The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

## 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Pharmacy and physician providers in the Medical Assistance Program, and home health services agencies.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this Rulemaking Was Summarized: These proposed amendments were not included on either of the two most recent agendas because: This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments is identical to the text of the emergency amendments which appears in this issue of the *Illinois Register* on page **10438**

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## 1) Heading of the Part: Procedures and Standards

## 2) Code Citation: 92 Ill. Adm. Code 1001

Section Numbers:	Proposed Action:
1001.100	Amended
1001.220	Amended
1001.240	Amended
1001.260	Amended
1001.300	Amended
1001.340	Amended
1001.360	Amended
1001.410	Amended
1001.420	Amended
1001.430	Amended
1001.440	Amended
1001.450	Amended
1001.470	Amended
1001.610	Amended
1001.670	Amended

4) Statutory Authority: Subpart A implementing Sections 2-113, 2-118, 6-108, 6-205, and 6-206 and authorized by Sections 2-103 and 2-104 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 6-108, 6-205 and 6-206]. Subpart B implementing Chapter 7 and authorized by Sections 2-103, 2-104, 2-106, 2-107, 2-108, 2-113, and 2-114, and Ch. 7 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-106, 2-107, 2-108, 2-113, 2-114 and Ch. 7]. Subpart C implementing Sections 6-205(c) and 6-206(c)3 and authorized by Sections 2-103 and 2-104 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 6-205(c) and 6-206(c)3]. Subpart D authorized by Sections 2-104 and 11-501 of the Illinois Vehicle Code and implementing Sections 6-103, 6-205(c), 6-206(c)3, and 6-208 of the Illinois Vehicle Code [625 ILCS 5/2-104, 6-103, 6-205(c), 6-206(c)3, 6-208 and 11-501]. Subpart F implementing Sections 2-113, 2-118, 6-208.2, 11-501.1, and 11-501.8 and authorized by Sections 2-103, 2-104, and 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 6-208.2, 11-501.1 and 11-501.8].

5) A Complete Description of the Subjects and Issues Involved: These amendments achieve the following objectives: bring the Secretary of State rules regarding hearings to obtain driving privileges in alcohol/drug related cases into compliance with the amended rules of the Department of Human Services, Office of Alcoholism and Substance Abuse (OASA), as they affect classification and treat/intervention guidelines; provide for expedited hearing procedures for certain out-of-state petitioners; allow more petitioners to be eligible for informal hearings; allow for the issuance of restricted driving permits to new residents whose driving privileges are revoked in another state, and therefore not eligible for

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full driving privileges, upon meeting certain requirements: make grammatical, organizational and other non-substantive changes; in the zero tolerance provisions, expand the definition of a medical or pharmacological expert and revise breath alcohol threshold points in light of the recent DUI change from 0.10 to 0.08; generally revise these rules to conform to the procedures that have evolved over time since the last revision.

- 6) Will this rulemaking replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments to this Part pending? No
- 10) Statement of Statewide Policy Objectives: This proposed amendment will not require a local government to establish, expand or modify its activities in such away as to necessitate additional expenditures from local revenues.
- 11) Time, place, and manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on these proposed amendments may submit written comments no later than 45 days after the publication of this Notice to:

Marc Christopher Loro, Legal Advisor  
Department of Administrative Hearings  
200 Howlett Building  
Springfield, Illinois 62756  
(217) 785-8245

## 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the Proposed Amendments begins on the next page:

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## NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATE

## PART 1001

## PROCEDURES AND STANDARDS

## SUBPART A: FORMAL ADMINISTRATIVE HEARINGS

Section	Applicability
1001.10	Definitions
1001.20	Right to Counsel
1001.30	Appearance of Attorney
1001.40	Special Appearance
1001.50	Substitution of Parties
1001.60	Commencement of Actions; Notice of Hearing
1001.70	Motions
1001.80	Form of Papers
1001.90	Conduct of Formal Hearings
1001.100	Orders
1001.110	Record of Hearings
1001.120	Invalidity

## SUBPART B: ILLINOIS SAFETY RESPONSIBILITY HEARINGS

Section	Applicability
1001.200	Definitions
1001.210	Hearings: Notice; Locations; Procedures; Record
1001.220	Rules of Evidence
1001.230	Scope of Hearings
1001.240	Decisions and Orders
1001.250	Rehearings
1001.260	Judicial Review
1001.270	Invalidity
1001.280	

SUBPART C: RULES ON THE CONDUCT OF INFORMAL HEARINGS  
IN DRIVERS LICENSE SUSPENSIONS AND REVOCATIONS

Section	Applicability
1001.300	Definitions
1001.310	Right to Representation
1001.320	Record and Reports
1001.330	Location of Hearings
1001.340	Duties and Responsibilities
1001.350	Decisions
1001.360	Invalidity
1001.370	





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Ill. Reg. 16041, effective October 1, 1990; emergency amendment at 16 Ill. Reg. 19926, effective December 8, 1992, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 2047, effective January 27, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6274, effective May 1, 1993; amended at 17 Ill. Reg. 8528, effective June 1, 1993; emergency amendment at 18 Ill. Reg. 7916, effective May 10, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 15127, effective September 21, 1994; emergency amendment at 19 Ill. Reg. 54, effective January 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6667, effective May 1, 1995; emergency amendment at 20 Ill. Reg. 1626, effective January 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 8328, effective June 12, 1996; emergency amendment at 20 Ill. Reg. 9355, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15773, effective November 28, 1996; amended at 23 Ill. Reg. 692, effective January 15, 1999; amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: FORMAL ADMINISTRATIVE HEARINGS

## Section 1001.100 Conduct of Formal Hearings

a) All hearings conducted in any proceeding shall be open to the public. Pursuant to statute, formal hearings may shall be conducted in Springfield, Chicago, Joliet, Hittside or Mt. Vernon, or such other locations as the Secretary deems appropriate.

1) In petitions for driving relief, petitioners Petitioners who have permanently relocated outside of the State of Illinois and are Petitioners Petitioners who are still residents but are temporarily residing outside the State of Illinois for 3--months or--more--due-to-employment--reasons may make, except as provided in subsection (a)(2) below, written application in lieu of returning to Illinois for a formal hearing. These Such Petitioners Petitioners shall be deemed to have waived the right to appear in person. Out-of-state petitioners must initially submit evidence of their residency, such as, but not limited to, voter's registration, income tax returns, apartment rental leases, mortgage contracts, employment verification, utility and/or telephone bills, etc. The Department reserves discretion to reject out-of-state petitions which fail to provide this evidence or establish residency. The Department also reserves the discretion to reject an out-of-state petition if there is evidence that the petitioner Petitioner is regularly present in the State of Illinois, such as through work, school, or family contacts, but not limited thereto, and is therefore capable of attending a hearing in person in a timely manner.

2) Except as provided in Section 1601.146(m)--out-of-state Petitioner must submit at a minimum all documentation and information required by Subpart B herein as well as a sworn out-of-state Petitioner's Affidavit--which provides--the

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information otherwise required by the Illinois Secretary of State (the Secretary) at a formal hearing. Out-of-state petitioners Petitioners who reside within 30 miles of the Illinois border shall be required to attend a hearing in person, unless the Petitioner Petitioner shows good cause for not being able to attend in person. Good cause is shown when it is demonstrated by through a written statement that the petitioner Petitioner cannot attend a formal hearing in person due to economic, physical, or medical reasons. Mere inconvenience does not constitute good cause.

3) Except as provided in Sections 1001.430(k) and 1001.440(c), out-of-state petitioners must submit at a minimum all documentation and information required by Subpart D of this Part, as well as a sworn Out-of-State Petitioner's Affidavit, which provides the information otherwise required by the Illinois Secretary of State (the Secretary) at a formal hearing.

b) Every hearing shall be presided over by a hearing officer. Hearing Officer Officer duly appointed by the Secretary. The Secretary may also appoint a representative to appear and participate in the said hearing on his/her behalf. Prior to the taking of evidence, the Petitioner/Respondent Petitioner/Respondent may request disqualification of the hearing officer. Hearing Officer Officer by making a motion for disqualification on the record for same, stating the specific grounds upon which it is alleged that a fair and impartial hearing cannot be afforded the Petitioner/Respondent Petitioner/Respondent. The hearing officer Hearing Officer will rule upon the motion. If the motion is denied, the hearing will proceed, or the Petitioner Petitioner may withdraw from the hearing. If the motion is granted, the case shall be transferred to another hearing officer. Hearing Officer Officer for a hearing on the same day if possible. If it is not possible to schedule a hearing on the same day, a new hearing date shall be scheduled and another hearing officer Hearing Officer shall be assigned by the Secretary. The hearing officer Hearing Officer shall have authority to subpoena witnesses or documents at the request of any party, to examine witnesses, and to rule upon the admissibility of testimony and evidence.

c) Upon order of the hearing officer Hearing Officer, for good cause shown, and upon reasonable notice to other parties, any party including the Department, may cause at his/her or its expense, a deposition of any witness to be taken for use as evidence in a contested case (for example, when the witness is not available due to distance, time, cost to the party using the testimony, sickness, infirmity, imprisonment, the witness being out of state or similar factors). The deposition shall be taken in the manner provided by law for evidence depositions in civil actions in the Circuit Courts of Illinois. Any party may direct written interrogatories to any other

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party. Interrogatories must be restricted to the subject matter of the case, to avoid undue detail, and to avoid the imposition of any unnecessary burden or expense on the answering party. Written interrogatories shall be served on the opposing party no later than ~~fifteen-~~ 15 business days before the hearing. Objection to answers or refusals to answer shall be heard on motion at the hearing before the hearing officer. ~~Hearing-Officer~~ who shall rule on the objection or refusal. Answers shall be sworn. If an answer to an interrogatory may be obtained from documents in the possession or control of the party on whom the interrogatories were served, it shall be a sufficient answer to specify the documents and make them available to the inquiring party to inspect and copy at the asking party's expense. The technical rules of evidence shall not apply. Any relevant evidence may be admitted if it is the sort of evidence relied upon by reasonably prudent people in the conduct of their affairs. The existence of any common law or statutory exclusionary rule might make improper the admission of the ~~such~~ evidence over objections in civil or criminal actions shall not be a bar to the admissibility of otherwise relevant evidence. The rules of privilege shall be followed to the same extent that they are now or hereafter may be recognized in civil actions. Irrelevant, immaterial or unduly repetitious evidence may be excluded upon objection. Objections to evidentiary offers may be made and shall be noted in the record, and ruled upon by the hearing officer ~~Hearing-Officer~~. Any party may make an offer of proof following an adverse evidentiary ruling. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, any part of the evidence may be received in written form. Subject to the evidentiary requirements of this subsection, a party may conduct cross-examination required for a full and fair disclosure of the facts.

e) Official notice may be taken of past hearings and any matter of which the Circuit Courts of Illinois may take judicial notice. In addition, official notice may be taken of generally recognized technical or scientific facts within the agency's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including staff memoranda and data, and they shall be afforded an opportunity to contest the material so noticed. The Department's and the hearing officer's ~~Hearing--Officer's~~ experience, technical competence and specialized knowledge may be utilized in the evaluation of the evidence.

f) At the request of any party or upon his own motion, the hearing officer ~~Hearing-Officer~~ may call a prehearing conference. At the conference, the parties or their representatives shall appear as the hearing officer ~~Hearing-Officer~~ directs. Matters which may be considered at a prehearing conference include, but are not limited to:

- 1) The simplification of the issues;
- 2) Amendments to the grounds for action;

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- 3) The possibility of obtaining admissions and stipulations of fact and of documents which will avoid unnecessary proof;
  - 4) The limitation of the number of expert witnesses;
  - 5) Any other matters which may aid in the disposition of the contested case.
- g) Upon the conclusion of a prehearing conference, the hearing officer ~~Hearing-Officer~~ shall enter an order which recites any action taken, any agreements made by the parties as to any of the matters considered, and the issue to be heard.
- h) Upon written request, made at least ~~ten-~~ 10 business days prior to the hearing, a party shall furnish to other parties a list of the names and addresses of prospective witnesses, or furnish written answers to a written demand for a bill of particulars.
- i) Any party or his representative shall have the right, upon written motion made at least ~~ten-~~ 10 business days prior to the hearing, to inspect any relevant documents in the possession of or under the control of any other party and to interview parties or persons having knowledge of relevant facts, subject to any statutory or constitutional privileges. Interviews of persons and inspection of documents shall be at times and places reasonable for the persons and for the custodian of the document.
- j) ~~Testimony~~ ~~Oral-evidence~~ shall be taken only on oath or affirmation.
- k) Parties may agree by stipulation upon any facts involved in the hearing. The facts stipulated shall be considered as evidence in the hearing.

l) Each party shall have the right to request the subpoena of and to call and to examine witnesses and to introduce exhibits and to cross-examine witnesses on any matter relevant to the issues, even though that matter was not covered in the direct examination. Application to the hearing officer ~~Hearing-Officer~~ assigned to the case for subpoenas duces tecum shall specify the books, papers, and documents desired to be produced.

m) Each party shall have the right to rebut the evidence against him; to appear in person; and to be represented by counsel. If a party does not testify in his own behalf, he may be called by the Secretary of State's representative and examined as if under cross-examination.

n) A request to continue or withdraw a hearing request is directed to the sound discretion of the hearing officer ~~Hearing-Officer~~ to whom the case has been assigned for hearing. Either request may be granted, for good cause shown, provided the request is received by the Department not less than ~~five-~~ 5 days prior to the hearing date unless good cause is shown within the 5 five days or during the hearing due to the need for new evidence, sudden unavailability of counsel, sudden illness of a party, or similar reasons. ~~The~~ such request, prior to the hearing shall be in writing and shall set forth the grounds alleged for the request ~~therefore~~. "Good cause" is shown when a ~~Petitioner~~ ~~Referee~~ or respondent ~~Respondent~~ demonstrates a real and compelling need for additional time. "A real and compelling



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need" includes, but is not limited to, service in the armed forces or serious illness, family death, or act of God, relating to either party or that party's attorney. No request by any attorney on behalf of a petitioner/respondent petitioner/respondent will be considered unless the attorney shall have filed a written notice of appearance as provided in Section 1001.40.

- 1) A formal hearing shall not be continued "generally". A continuance, when granted, shall state a date certain, upon not more than sixty (60) days from the prior hearing date at which time the hearing shall reconvene. Repeated continuances will not be granted. If the petitioner petitioner is not prepared to go forward after the first continuance, a request to withdraw should be submitted.
- 2) The party requesting the hearing may request withdrawal from the hearing at any time up to the conclusion of the taking of evidence. A request to withdraw from a hearing, which in the hearing officer's Hearing-Officer's judgment is based upon surprise of evidence presented or adverse evidence, shall not be granted. Upon withdrawal, the requested relief will not be considered and the case dismissed. Should the party request another hearing, it must be done in writing and it will be treated as any other request for hearing. (See Section 1001.707.)
- 3) An out-of-state petitioner who fails to provide the information required by Sections 1001.100(a)(3) and 1001.440(o) within 90 days after a written demand made by the Department to his/her last known address shall have his/her petition withdrawn by a written Order of the Director or Duty Director. The Order shall be made part of the petitioner's permanent record and a copy shall be sent to the petitioner's last known address. The Department shall not accept another petition for driving relief from a petitioner whose petition for driving relief has been withdrawn pursuant to this provision for 4 months from the date of the Order.
- o) A party may serve on any other party a written request for the admission by the latter of the truth of any specified relevant fact set forth in the request or for the admission of genuineness of any relevant documents described in the request. Copies of the documents shall be served with the request unless copies have already been furnished.
- p) Upon the opening of the hearing, the hearing officer Hearing-Officer shall allow the parties to make opening statements. Opening statements may not be made at any other time, except at the discretion of the hearing officer Hearing-Officer. Upon the close of the hearing each party may make a closing statement orally and/or by written brief at the discretion of the hearing officer Hearing Officer, incorporating arguments of fact and law. A written brief may be required when the facts and issues are deemed complicated by the

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hearing officer Hearing-Officer and there is a need for the parties to plead their cases in writing for the record.

- q) All exhibits for any party shall be clearly marked for identification and as admitted into evidence by the hearing officer Hearing-Officer.
- r) In the hearing of any case, any party or his agent may be called and examined as if under cross-examination at the instance of any adverse party. A party calling for the examination is not bound thereby, but may rebut the testimony thus given and may impeach the witness by proof of prior inconsistent statements. If the hearing officer Hearing-Officer determines that a witness is hostile or unwilling, the Hearing-Officer may be examined by the party calling him as if under cross-examination. The party calling an occurrence witness may, upon showing that he called the witness in good faith but is surprised by his testimony, impeach the witness by proof of prior inconsistent statements.
- s) The burden of proof is upon the petitioner Petitioner for any relief in a hearing. The standard of proof is the preponderance of the evidence, except as provided for in Subpart D.
- t) The Secretary will provide an interpreter for hearing-impaired petitioners/respondents Petitioners/Respondents who wish to testify; providing a language interpreter, however, is the responsibility of the petitioner/respondent Petitioner/Respondent.
- u) Report of Proceedings.
  - 1) The Department shall, at its expense, have present at each hearing an electronic recording device or a qualified court reporter, for the purpose of making a permanent and complete report of the proceedings, including to-wit: evidence admitted or tendered and not admitted, testimony, offer of proof, objections, remarks of the hearing officer Hearing-Officer and of the parties and/or their representatives, all rulings of the hearing officer Hearing-Officers.
  - 2) Upon request and at his own expense any party may have a copy of the said report of proceedings, from the said court reporter, or transcribed from the electronic device by the Department at the statutory rate as set forth in Section 5.5 of the Secretary of State Act [15 ILCS 305/5.5] 10-of-the-Pees-and-Salaries-Act-till Rev-Stat-1991; ch-53; par-24) is 1665-299/101 and 2 Ill. Adm. Code 551.150, or the cost of an audio tape plus mailing.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: ILLINOIS SAFETY RESPONSIBILITY HEARINGS

## Section 1001.220 Hearings: Notice; Locations; Procedures; Record

- a) Subsequent to certification of an uninsured motorist by the Department of Transportation as provided by statute, and upon a preliminary

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finding that a reasonable possibility of a civil judgment (441--Rev-Stat-1993--ch--95-1/27-par-7-2093--1625--1165--5/7-2093) exists, the Secretary shall institute a Notice of Suspension which advises the Petitioner of his/her right to a hearing in lieu of deposit of security. Any petitioner Petitioner by submitting a written request post-marked within 15 days after the mailing date of the Notice of Suspension, will be afforded a full, fair, and impartial hearing to contest the preliminary finding of the Secretary. [625 ILCS 5/7-2093(a)] Any such request for hearing will stay the effective date of the safety responsibility suspension pending the outcome of the hearing. Hearing requests received after the 15 day period will be granted; however, the suspension will not be stayed or removed pending the hearing.

b) The decision resulting from the hearing shall be based upon the following factors: whether the said petitioner Petitioner, as a motor vehicle owner or operator, has been involved, or whose vehicle has been involved, in a motor vehicle accident occurring within the State of Illinois and which has resulted in bodily injury or death of any person or in which damage to the property of any one person exceeds the amount provided by statute; whether petitioner Petitioner is exempt from the Safety Responsibility Law and whether there exists a reasonable possibility of a civil judgment against the petitioner Petitioner. The petitioner Petitioner shall bear the burden of proof throughout the proceedings. The standard of proof shall be a preponderance of the evidence.

c) The hearing shall be initiated by the issuance of a Notice of Hearing by the Secretary. The said Notice shall be served upon the petitioner Petitioner, as the party against whom action may be taken by the Secretary, any interested party, and any attorney of record.

d) The Notice of Hearing shall be a written statement setting forth, but not limited to, the following information--to-wit:

- 1) The name of the petitioner Petitioner;
- 2) The name and address of any claimants or injured parties;
- 3) The date, time, place, and nature of the hearing;
- 4) The matters to be addressed at the hearing;
- 5) The name of the hearing officer Hearing-officer;
- 6) The specific Sections sections of the Statutes involved;
- 7) The statutory authority pursuant to which the hearing is being conducted;
- 8) Notice to Advise the petitioner Petitioner that a failure to appear will result in the denial of any relief requested and that at any renewing granted under Section 1001.260 the petitioner Petitioner will be deemed to have waived the right to subpoena or cross-examine witnesses that testified at the original hearing.
- e) Hearings shall be conducted in the Counties of Cook, DeKalb, Will, Rock Island, Tazewell, Adams, Sangamon, Champaign, Coles, Kane, Marion, St. Clair, and Jackson, and in such other locations as the

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Secretary shall from time to time designate. If the Secretary determines to abandon or change the location of the hearing outside the counties specifically listed in this subsection where--any-of-the-thirteen-(13)-original-hearing-locations--are-situated,--which--are-located--in--the-counties--listed--in--the--previous-sentence, the Secretary shall publish in a local newspaper of general circulation in each county served by such office, 20 twenty days prior notice of the change thereof. The notice shall indicate the reasons for the such determination and shall identify the new location proposed to serve the such county, if known at the time of publication.

f) Every hearing shall be presided over by a hearing officer Hearing-officer duly appointed by the Secretary. The Secretary may also appoint a representative to appear and participate in his behalf. Prior to the taking of evidence, a petitioner Petitioner may request the disqualification of the hearing officer Hearing-officer by making a motion for disqualification same, stating the specific grounds upon which it is alleged that a fair and impartial hearing cannot be afforded the petitioner Petitioner by the hearing officer Hearing-officer. The hearing officer Hearing-officer will rule upon the motion. If the motion is denied, the hearing will proceed. If the motion is granted, the case shall be transferred to another hearing officer Hearing-officer for a same day hearing if possible. If not possible, a new hearing date will be established and another hearing officer Hearing-officer shall be assigned by the Secretary. The hearing officer Hearing-officer shall have authority to conduct the hearing, to rule on all motions, to administer oaths, to subpoena witnesses or documents at the request of any party, to examine witnesses, and to rule upon the admissibility of testimony and evidence.

g) Each party to the hearing shall have the following rights:

- 1) The right to the issuance of subpoenas upon a ten-(10) business day written request directed to the hearing officer Hearing-officer;
- 2) The right to call and examine witnesses;
- 3) The right to cross-examine witnesses on any matter relevant to the issues, even though the matter was not covered on direct examination;
- 4) The right to introduce exhibits; and
- 5) The right to obtain in advance, upon written request, copies of all related police reports not designated confidential by State law law. Requests such-requests must be submitted at least 10 business days prior to the hearing date to be considered. The parties may request copies of the related police reports at the hearing if the need for the such copies could not be foreseen before the hearing, or the need for them arose because of the issues or allegations adduced at the hearing.
- h) The petitioner Petitioner shall have the right to appear in person and be heard through an attorney at law licensed to practice in the State

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of Illinois or any law student licensed under Supreme Court Rule 711. If the Petitioner does not testify on his/her own behalf, he/she may be called by the representative of the Secretary and examined as if under cross-examination.

1) Attorneys admitted to practice in states other than the State of Illinois may appear by special leave of the hearing officer. Hearing-Officer appointed to conduct the hearing, upon the attorney's verbal representation or written documentation as to the attorney's admittance.

2) A natural person may appear and be heard in his/her own behalf.  
3) A corporation, association, or partnership may appear and present evidence by any bona fide officer, employee, or representative.

4) Only an attorney mentioned above properly licensed shall represent anyone else in any hearing in any matter involving the exercise of legal skill or knowledge. The standards of conduct shall be the same as before the Courts of the State of Illinois.

1) The proceedings shall be recorded by a suitable electronic method. The Petitioner may furnish, at his/her own expense, a certified shorthand reporter. All records taken present--hereto shall be properly cataloged and preserved by the Secretary for a period of at least forty-five--45 days from the entry of the Hearing-Officer's order. Oral proceedings, or any part thereof, shall be transcribed upon the request of the Petitioner, any party, or his/her their counsel at the said requesting party's personal expense as specified in 2 Ill. Adm. Code 551.150, or the cost of an audio tape, plus mailing.

j) The record of a hearing held pursuant to this Section hereto shall include, but not be limited to, the following 7--twofit:

- 1) The notices, pleadings, and responses to pleadings thereto;
- 2) The motions and rulings on motions thereon;
- 3) The matters officially noticed;
- 4) The offers of proof made, objections to those offers thereon, and rulings on those offers thereon;

5) The opinions, recommendations, or reports by the Hearing-Officer, Hearing-Officer, Secretary, or Department; and  
6) A transcript of the proceedings.

k) The Secretary will provide an interpreter for hearing impaired Petitioners Petitioners and interested parties interested--Parties who wish to testify; providing a language interpreter, however, is the responsibility of the Petitioner Petitioner or interested parties interested--Parties.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1001.240 Scope of Hearings

- a) The issues to be determined at the hearing are the following 7--twofit:

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- 1) The identity of the drivers involved in the accident;
- 2) The identity of the owners of the vehicles involved in the accident;

3) The nature and extent of the bodily injury or property damage sustained in the accident;

4) Whether there is a reasonable possibility of either of the following situations occurring to-wit:

A) A judgment being rendered against the Petitioner Petitioner for liability resulting from bodily injury occasioned by the accident; or

B) A judgment being rendered against the Petitioner Petitioner for liability in an amount in excess of the statutory minimum as found in Section 7-201 of the IVC [625 ILCS 5/7-201] of--9250 resulting from property damage to the property of any one person occasioned by the accident.

5) Should it be so determined that either of these two factual situations exists exist, the preliminary finding of the Secretary shall stand.

6) The existence of any other issue or element necessary to the establishment of a case, if same--is contested by the Petitioner Petitioner.

b) The law of negligence as determined by the Illinois Supreme Court and the Illinois General Assembly will apply in the decisions made from the hearings.

c) If a Petitioner Petitioner requests a hearing and there is evidence of an installment agreement in the file, the Hearing-Officer Hearing-Officer shall go on the record at the time of the scheduled hearing.

1) If the Petitioner Petitioner wishes to contest liability or the amount of the security deposit required by the Department of Transportation certification, a full hearing shall be conducted based upon the facts of the accident and the amount of the damages involved. The validity of the installment agreement shall not be an issue and the hearing shall proceed as if no installment agreement exists.

A) If the decision of the Hearing-Officer Hearing-Officer is to exonerate the Petitioner Petitioner, the Hearing-Officer Hearing-Officer shall return the installment agreement to the Petitioner Petitioner and inform the Petitioner Petitioner that the decision does not alter the validity of the installment agreement.

B) If the decision of the Hearing-Officer Hearing-Officer is that the Petitioner Petitioner did not rebut the preliminary finding of the Secretary, the Hearing-Officer Hearing-Officer shall make such a finding, along with a finding regarding the amount of the security deposit required, as well as a finding that the Petitioner Petitioner is in compliance by virtue of submission of the installment agreement.



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- C) A hearing in the case shall be held even though there has been a default on the installment agreement.
- 2) If the Petitioner does not wish to contest liability or the amount of the certification, the hearing officer Hearing Officer will go on the record and state these facts. The installment agreement will be forwarded to the Safety and Financial Responsibility Division, Driver Services Department, Illinois Secretary of State, and no action will be taken against the driving and registration privileges of the Petitioner at that time.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1001.260 Rehearings

- a) A request by the Petitioner for a rehearing will be granted only if the Petitioner failed to appear on the date and at the time scheduled for the original Hearing and good cause is shown.
- b) Good cause is shown when it is demonstrated that a real and compelling reason existed at the time of the original hearing for failing to appear, such as, but not limited to, service in the armed forces, serious illness, family death, or act of God, relating to any party or that party's attorney.
- c) Rehearing requests must be in writing and directed to the Secretary of State, Department of Administrative Hearings, Support Services Administrative--Safety--Responsibility--Division, Room 207, Howlett Centennial Building, Springfield, Illinois 62756.
- d) If the interested party appears and the Petitioner fails to appear (at the original hearing), the said hearing will be held and the testimony of the interested party or any other witness present taken. The evidence admitted at the original hearing shall be admissible at the rehearing and the Petitioner shall be deemed to have waived the right of cross-examination of any witnesses at the original hearing.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART C: RULES ON THE CONDUCT OF INFORMAL HEARINGS IN DRIVERS LICENSE SUSPENSIONS AND REVOCATIONS

## Section 1001.300 Applicability

- a) This Subpart applies to informal hearings conducted by driver license hearing officers Driver--License--Hearing--Officers in the Department of Administrative Hearings of the Office of the Secretary of State in

various locations throughout Illinois. They are a lower level hearing than the formal hearings conducted pursuant to Subpart A of this Part. There is no appeal from an informal hearing to a formal hearing because the formal hearing is a de novo proceeding. These informal hearings are limited to the consideration of and the making of recommendations on drivers license suspension and revocation matters and the recommendations may include any recommendation able to be made by a formal hearing, except that

b) An informal hearing shall not, however, initially consider petitions where a loss of driving privileges currently in effect involves in-cases-involving:

- 1) death;
  - 2) rescission or modification of suspensions or revocations;
  - 3) multiple convictions pursuant to Section 11-501 of the Code, or similar provisions of local ordinances or out-of-state violations, or any combination thereof arising from separate incidents;
  - 4) revocations entered pursuant to Section 6-206(a);
  - 5) cases in which the petitioner is required to participate in the interlock program. (See Section 1001.441 of this Part.)
- c) An informal hearing may, however, consider petitions for the continuation/renewal of restricted driving permits in the above cases if:
- 1) restricted driving permits were granted from a formal hearing;
  - 2) the permits are still in effect or have expired no more than 30 days from the date of the informal hearing;
  - 3) the petitioner has not been subsequently convicted or received court supervision for any traffic violation;
  - 4) the petitioner has driven on the permits for at least 75% of the length of the permits; and
  - 5) the petitioner is now eligible for and requests the continuation of the previously issued permits.
- They--are--a-lower-level-hearing-than-the-formal-hearings-conducted-pursuant-to-Subpart-A-of-this-Part--there-is-no-appeal-from-an-informal-hearing-to-a-formal-hearing-because-the-formal-hearing-is-an-original-proceeding-conducted-on-the-evidence

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1001.340 Location of Hearings

- a) There shall be at least one hearing officer Hearing--Officer in each region.
- b) The headquarters of each region shall be in the facility located in that city, and a work location may also be established by the supervisor for one or more Hearing Officers Hearing--Officers within a

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## c) region.

- The regions and headquarters are:
- 1) Region 1, consisting of the counties of Jo Daviess, Stephenson, Winnebago, Boone, DeKalb, Lee, Ogle, Whiteside, and Carroll, with headquarters in Rockford.
  - 2) Region 2, consisting of the counties of Rock Island, Henry, Mercer, Knox, Warren, and Henderson, with headquarters in the City of Moline.
  - 3) Region 3, consisting of the counties of Kendall, Will, Grundy, Kankakee, and Livingston, with headquarters in Joliet.
  - 4) Region 4, consisting of the counties of Fulton, Stark, Peoria, Woodford, and Tazewell, with headquarters in the City of Peoria.
  - 5) Region 5, consisting of the counties of Iroquois, Ford, Vermillion, Champaign, and Piatt, with headquarters in the City of Champaign.
  - 6) Region 6, consisting of the counties of Mason, Logan, Cass, Menard, Morgan, Sangamon, Scott, Christian, Greene, Macoupin, and Montgomery, with headquarters in the Howlett Centennial Building, Springfield--effiners.
  - 7) Region 7, consisting of the counties of Hancock, McDonough, Schuyler, Adams, Brown, and Pike, with headquarters in Quincy.
  - 8) Region 8, consisting of the counties of Douglas, Edgar, Moultrie, Coles, Clark, Cumberland, Shelby, Effingham, Jasper, and Crawford, with headquarters in Mattoon or Effingham.
  - 9) Region 9, consisting of the counties of Fayette, Bond, Marion, Clay, Clinton, Washington, and Jefferson, with headquarters in Centralia or Mt. Vernon.
  - 10) Region 10, consisting of the counties of Calhoun, Jersey, Madison, Randolph, St. Clair, and Monroe, with headquarters in East St. Louis.
  - 11) Region 11, consisting of the counties of Perry, Franklin, Jackson, Williamson, Saline, Gallatin, Union, Johnson, Pope, Hardin, Alexander, Pulaski, and Massac, with headquarters in Carbondale or Marion.
  - 12) Region 12, consisting of the counties of Kane and DuPage, with headquarters in Naperville, Bgafa.
  - 13) Region 13, consisting of the county of Cook, with headquarters in the building where the Department is located in Cook County.
  - 14) Region 14, consisting of the counties of McHenry and Lake, with headquarters in Libertyville.
  - 15) Region 15, consisting of the counties of Bureau, LaSalle, Putnam, and Marshall, with headquarters in the City of LaSalle.
  - 16) Region 16, consisting of the counties of DeWitt, Macon, and McLean, with headquarters in Bloomington.
  - 17) Region 17, consisting of the counties of Wayne, Edwards, Wabash, Lawrence, Richland, Hamilton, and White, with headquarters in Lawrenceville.

## d) Out-of-state

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- 1) Petitioners who have permanently relocated outside of the State of Illinois and petitioners who are still residents but are temporarily residing outside the State of Illinois for 3 months or more due to employment reasons may make, except as provided in subsection (d)(2) below, written application in lieu of returning to Illinois for an informal hearing. The Such petitioner shall be deemed to have waived the right to appear in person. Out-of-state petitioners must initially submit evidence of their residency, such as, but not limited to, voter's registration, income tax returns, apartment rental leases, mortgage contracts, employment verification, utility and/or telephone bills, etc. The Department reserves the discretion to reject out-of-state petitions which fail to provide this evidence or establish residency. The Department also reserves the discretion to reject an out-of-state petition if there is evidence that the petitioner is maintaining substantial contact with the State of Illinois and--therefore is capable of attending a hearing in person in a timely manner.
- 2) Except--as--provided--in--Section--1001-440(f)---out-of-state petitioners must--submit--at--a--minimum--all--documentation--and information--required--by--Subpart--B--herein--as--well--as--a--sworn--Out-of-State--Petitioner's--Affidavit--which--provides--the information--otherwise--required--by--the--Illinois--Secretary--of--State (the--Secretary)--at--an--informal--hearing. Out-of-state petitioners who reside within 30 miles of the Illinois border shall be required to attend a hearing in person, unless petitioner shows good cause for not being able to attend in person. "Good cause" is shown when it is demonstrated by through a written statement that the petitioner cannot attend a hearing in person due to economic, physical, or medical reasons. Mere inconvenience does not constitute good cause.
- 3) Except as provided in Sections 1001.430(k) and 1001.440(o), out-of-state petitioners must submit at a minimum all documentation and information required by Subpart D, as well as a sworn Out-of-State Petitioner's Affidavit that provides the information otherwise required by the Secretary at an informal hearing.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1001.360 Decisions

- a) The decision at the informal hearing is not a final order and as such is not subject to administrative review pursuant to the Administrative Review Law. Following an adverse decision at the informal hearing, the

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the current loss of driving privileges is not related to a DUI arrest/disposition yet the petitioner's/respondent's Pettitioner's driving record contains, or other evidence indicates the existence of:

a prior DUI disposition; or

any other conviction or loss of driving privileges that was alcohol/drug related within the last ten-~~ten~~ 10 years for which the petitioner/respondent Pettitioner did not or was not required to submit to the Secretary of--State an alcohol/drug evaluation to obtain driving privileges; or

there is evidence that the petitioner/respondent Pettitioner may be a user of alcohol or any other drug to a degree which renders the ~~such-a~~ person incapable of safely driving a motor vehicle. (See Section 6-103.4 of the Code.)

"Alcohol and Drug Evaluation (Out-of-state State)" means a typewritten report which conforms to standards established by the Department as specified in Section 1001.440(a)(6)(c) of this Subpart.

"Alcohol and Drug Evaluation (Uniform Report)" means a typewritten report which conforms to standards established by the Illinois Department of Human Services, Office of Alcoholism and Substance Abuse (OASA) ~~TPASAT~~. (See 77 Ill. Adm. Code 2060.503. 2956-395). The evaluation must be completed on a form prescribed by OASA BASA. The evaluation must be signed and dated by both the evaluator and the petitioner Pettitioner.

"Alcohol and Drug Evaluation (Update)" means a typewritten report which conforms to standards established by the Department, as specified in Section 1001.440(a)(6)(B) of this Subpart. The evaluation must be completed on a form prescribed by the Department. The update evaluation must be completed by a program in accordance with the provisions of Section 1001.440(a)(6)(A) of this Subpart.

"Alcohol and Drug Related Driver Remedial Program" means an educational program concerning the effects of alcohol/drugs on drivers of motor vehicles, also referred to as a DUI Risk Education Course, which conforms to the standards established by OASA BASA. (See 77 Ill. Adm. Code 2060.505. Subpart-B)

"Alcohol Setpoint" means the minimum or nominal BrAC (0.025) at which a device is set to lock a vehicle's ignition.

"BAC" means blood alcohol concentration as determined by a chemical test administered by police authorities or medical personnel to

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Petitioner Pettitioner may petition for a formal hearing conducted pursuant to Subpart A of this Part. Such a formal hearing shall constitute a de novo proceeding and is not an appeal of an adverse decision at the informal hearing.

b) If a petitioner Pettitioner has had an informal hearing pursuant to this Subpart Subpart, neither a formal hearing nor another informal hearing on the same issues and/or regarding the same type of driving relief shall not be held granted until at least ~~thirty~~ 30 days have elapsed since the date of the last formal hearing.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

# SUBPART D: STANDARDS FOR THE GRANTING OF RESTRICTED DRIVING PERMITS, REINSTATEMENT, AND THE TERMINATION OF CANCELLATIONS OF DRIVING PRIVILEGES BY THE OFFICE OF THE SECRETARY OF STATE

## Section 1001.410 Definitions

"Abstinence" means to refrain from consuming any type of alcoholic liquor or other drugs.

"Abstract" means a summary of a driver's record records of traffic law violations, accidents, suspensions, revocations, cancellations, address and personal information of the driver, as contained in the files of the Office of the Secretary of State.

"Accredited Educational Course educational-course" means any class or course of instruction offered by an accredited educational institution that--which-course is either vocational in nature or is part of the matriculation process in receiving an academic degree, diploma, or certificate. It shall also include attendance at any required instructional class in an apprentice program.

"Accredited Educational Institution educational-institution" means any school or institution, whether public or private, which offers classes or courses of instruction, and which is reviewed and approved or granted a waiver of approval by the controlling state agency.

"Alcohol" means ethanol, commonly referred to as ethyl alcohol or alcoholic beverage.

"Alcohol and Drug Evaluation (Investigative)" means a typewritten report which conforms to standards established by the Department, as specified in Section 1001.440(a)(6)(D) of this Subpart. The evaluation must be completed on a form prescribed by the Department. This evaluation will be conducted as required pursuant to Sections 1001.420(1) and 1001.430(d) of this Subpart, when:

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long as that BAID petitioner does not receive a DUI disposition subsequent to the issuance of that RDP.

"Breath Alcohol Ignition Interlock Devices (BAIID)" means a mechanical unit that is installed in a vehicle which requires the taking of a BAC test prior to the starting of a vehicle. If the unit detects a BAC test result below the alcohol setpoint set-point the unit will allow the vehicle ignition switch to start the engine. If the unit detects a BAC test result above the alcohol setpoint the vehicle will be prohibited from starting. The unit or combination of units to be approved by the Secretary, in consultation with DPH, shall measure breath alcohol concentrations by breath analysis and shall include both simple and complex units.

"BrAC" means the w/v breath alcohol concentration.

"Certificate" means evidence issued by the manufacturer to an individual as proof of his authority and competence to install, accuracy check, calibrate and/or maintain ignition interlock devices.

"Certified Controlled Reference Sample" means a suitable reference of known ethyl alcohol concentration.

"Chemical Test" means the chemical analyses of a person's blood, urine, breath or other bodily substance performed according to the standards promulgated by the Illinois Department of Public Health in consultation with the Department of State Police. (See 77 Ill. Adm. Code 310.10 et seq.)

"Circumvention" means an overt, conscious effort to bypass the BAID or any other act intended to start the vehicle without first taking and passing a breath test.

"Clinical Impression" means a qualified treatment professional's (see See Section 100.11440(b)(2) through (b)(6)) definition of "Alcohol or Drug Evaluation" opinion regarding the effectiveness of substance abuse treatment provided to an individual and the likelihood of future alcohol/drug-related problems. This constitutes the treatment professional's most reasonable clinical judgment based on direct involvement with the individual throughout the course of treatment. It should not be interpreted as a definitive statement regarding the likelihood of future alcohol/drug-related problems) interpretation of specific data--which--is--obtained--during--the--treatment--process regarding the effectiveness of treatment--provided.

"DPAI" means the--Illinois--Department--of--Alcoholism--and--Substance Abuse:

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measure the concentration of alcohol in the bloodstream.

"BAID-Eligible-Petitioner" means an Illinois resident who is in any one of the following populations:

- 1) Any recidivist as defined in this Subpart;
  - 2) Any individual classified Level III dependent with at least six (6) but less than twelve (12) months of abstinence from alcohol and/or drugs;
  - 3) Any individual with three (3) DUI dispositions if:
    - A) The last DUI arrest occurred within the three (3) year period preceding the date of the hearing; or
    - B) Any one of the DUI dispositions involved a BrAC of 0.20 or more;
  - 4) Any individual with four (4) or more DUI dispositions;
- A--BAID-Eligible-Petitioner--shall--not--include--anyone--in--the--above populations if the BAID-Eligible-Petitioner had a hearing and was granted a RDP prior to May 19, 1994, and was eventually issued a RDP as a result of that hearing, regardless of whether the permit is currently in effect or not, as long as that BAID-Eligible-Petitioner does not receive a DUI disposition subsequent to the issuance of that RDP.

"BAID Permittee" means a BAID petitioner Eligible-Petitioner who has been issued an RDP as a result of a hearing conducted under the Program.

"BAID Petitioner" means an Illinois resident who is in any one of the following populations:

- Any recidivist as defined in this Section;
- Any individual classified Level III dependent with at least 6 but less than 12 months of abstinence from alcohol and/or drugs;

Any individual with 3 DUI dispositions if:

The last DUI arrest occurred within the 3 year period preceding the date of the hearing; or

Any one of the DUI dispositions involved a BrAC or BAC of 0.20 or more;

Any individual with 4 or more DUI dispositions.

A BAID petitioner shall not include anyone in the above populations if the BAID petitioner had a hearing and was granted an RDP prior to May 10, 1994, and was eventually issued an RDP as a result of that hearing, regardless of whether the permit is currently in effect, as



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"Department" means the Department of Administrative Hearings of the Office of the Secretary of State.

"Designated Driver Remedial or Rehabilitative program" means an alcohol or drug evaluation, an alcohol or drug-related ~~drug--related~~ driver remedial program, an alcohol or drug treatment program, the office driver improvement program, or any similar program intended to diagnose and change a petitioner's ~~Petitioner's~~ driving problem as evidenced by the petitioner's ~~Petitioner's~~ abstract. (See Sections 6-205(c) and 6-206(c)3 of the Code.)

"Device" means a breath alcohol ignition interlock device approved by the Secretary after consultation with DPH.

"Director" means the Director or Acting Director of the Department.

"Documentation of Abstinence" means testimony and documentation, in the form of affidavits, letters, etc., from individuals who have regular, frequent contacts with the petitioner ~~Petitioner~~ (e.g., spouse, significant other, employer, co-workers, roommates) verifying that to the best of their knowledge the petitioner ~~Petitioner~~ has been abstinent from alcohol/drugs for a specified period of time.

"Driver License Compact" is an agreement among signatory states which deals with the problems of: issuing drivers' licenses to people who move from one signatory state to another; and drivers who are licensed in one signatory state and convicted of traffic offenses in other such states ~~States~~. The said Compact has been codified in Illinois and is found in Chapter 6, Article VII of the Code.

"DPH" means the Illinois Department of Public Health.

"DUI" means driving under the influence.

"DUI Disposition" means any conviction or supervision for DUI, or any conviction for reckless homicide when alcohol and/or drugs is recited as an element of the offense or other credible evidence indicates that the petitioner's/respondent's conduct causing death involved the use of alcohol or other drugs, or ~~any-conviction-of~~ reckless driving reduced from DUI, or ~~and any~~ statutory summary suspension or implied consent suspension. ~~For purposes of--the--Breath--Alcohol--ignition interlock--device--plate--program--the--definition--of--the--term--BUI Disposition--shall include any conviction for reckless homicide~~

"Employ" or "Employed" or "Employment" shall all relate to activity for compensation to support oneself or one's dependents as well as activities ordered by a court in connection with a sentence which includes the completion of a term of community service. Employment

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need not be the sole or primary means of support for the petitioner or his/her dependents.

"Evaluator" means any person licensed to conduct an alcohol and drug evaluation by OASH BASH. (See 77 Ill. Adm. Code 2060.201.2856-1) A treatment provider may be considered an evaluator for the purpose of completing an updated evaluation in accordance with Section 1001.440(a)(6)(A) of this Subpart.

"Failure to Successfully Complete a Rolling Retest" means anytime the BAID Permittee registers a BRAC reading of 0.05 or more on a rolling retest or fails to perform a rolling retest which has been requested.

"Fee" means the statutory fees for restricted driving permits or reinstatement of driving privileges, as specified in Section 6-118 of the Code.

"Hearing" means informal hearings and/or formal hearings.

"High Risk" means the classification resulting from an alcohol and drug evaluation assigned to a petitioner with:

symptoms of substance dependence (regardless of driving record); referred to in this Part as High Risk Dependent; and/or

two prior convictions or court ordered supervisions for DUI, or statutory summary suspensions, or reckless driving convictions reduced from DUI, or any combination thereof, resulting from separate incidents, within the 10 year period prior to the date of the most current (third or subsequent) arrest, referred to in this Part as High Risk Nondependent. (See 77 Ill. Adm. Code 2060.503(g).)

"Initial Monitor Report" means the monitor report obtained or required to be obtained within the first thirty--t 30) days after initial installation of the device.

"Installer" means an individual trained by a BAID manufacturer to install and/or maintain a device and employed by a recognized service center, vendor or manufacturer.

"JDP" means a Judicial Driving Permit, as defined by Section 6-206.1 of the Code, which may be ordered by the court of venue to "first offenders" as defined in Section 11-501.1 of the Code.

~~"Level--I--Minimum--Risk"--means the classification resulting from an alcohol and drug evaluation assigned to a petitioner who has no prior conviction--or--court-ordered supervision for BUI or statutory summary~~

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"suspension-or-reckless-driving-conviction-reduced-from-BUII-and-a blood-alcohol-concentration-(BAC)-of-less-than-.15-as-a-result-of-the most-current-arrest-for-BUII-and-no-other-symptoms-of-substance-abuse or-dependence"-(See-77-Ill-Adm-Code-2056-310)

"level-ii--Moderate-Risk" means the classification resulting from an alcohol-and-drug-evaluation-assigned-to-a-petitioner-who-has-no-prior conviction-or-court-ordered-supervision-for-BUII-or-statutory-summary suspension-or-reckless-driving-conviction-reduced-from-BUII-and-a blood alcohol-concentration-(BAC)-of-.15-to-.19-or-a-refusal-of-chemical testing-as-a-result-of-the-most-current-arrest-for-BUII-and-no-other symptoms-of-substance-abuse-or-dependence-(See-77-Ill-Adm-Code 2056-310)

"level-iii--Significant-Risk" means the classification resulting from an alcohol-and-drug-evaluation-assigned-to-a-petitioner-who-has-a prior-conviction-or-court-ordered-supervision-for-BUII-or-statutory summary-suspension-or-reckless-driving-conviction-reduced-from-BUII and/or-a blood-alcohol-concentration-(BAC)-of-.20-or-higher-as-a result-of-the-most-current-arrest-for-BUII-and/or-other-symptoms-of substance-abuse"-(See-77-Ill-Adm-Code-2056-310)

"level-iii--High-Risk" means the classification resulting from an alcohol-and-drug-evaluation-assigned-to-a-petitioner-with symptoms--of-substance-dependence-(regardless-of-driving-record)-, hereinafter-referred-to-as-level-iii-Dependent-and/or

two-prior-convictions-or-court-ordered-supervisions-for-BUII--or statutory-summary-suspensions-or-reckless-driving-convictions reduced-from-BUII--or-any-combination-thereof-resulting-from separate-incidents-within-the-ten-(10)-year-period-prior-to-the date-of-the-most-current-(third--or--subsequent)--arrest hereinafter-referred-to-as-level-iii-Non-Dependent"-(See-77-Ill-Adm-Code-2056-310)

"Lockout" means the device must prevent engine ignition by a virtual lock with 90% certainty or near absolute lock at 99.5% certainty.

"Manufacturer" means the maker of a BAIID or its authorized representative.

"Medical or Physical BAIID Modification" means a demonstrated physical or medical condition documented in writing by a physician that consistently interferes with the normal operation of the BAIID by the BAIID Permittee for which the Department may authorize a modification of the BAIID or its programming to accommodate the condition without sacrificing the intent of the BAIID Program.

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"Minimal Risk" means the classification resulting from an alcohol and drug evaluation assigned to a petitioner who has no prior conviction or court ordered supervision for DUI, or statutory summary suspension or reckless driving conviction reduced from DUI, and a blood alcohol concentration (BAC) of less than .15 as a result of the most current arrest for DUI, and no other symptoms of substance abuse or dependence. (See 77 Ill. Adm. Code 2060-530(g).)

"Moderate Risk" means the classification resulting from an alcohol and drug evaluation assigned to a petitioner who has no prior conviction or court ordered supervision for DUI, or statutory summary suspension or reckless driving conviction reduced from DUI, and a blood alcohol concentration (BAC) of .15 to .19 or a refusal of chemical testing, as a result of the most current arrest for DUI, and no other symptoms of substance abuse or dependence. (See 77 Ill. Adm. Code 2060-503(g).)

"Monitor Report" means an electronic report or a printout of the activity of a device obtained by the manufacturer or installer at the time of an inspection of the device which shall include at a minimum the number of successful and unsuccessful attempts to start the vehicle and rolling retests, including each date, time, and BAC reading, and any evidence of tampering or circumvention of the device.

"National Driver Register" means a central index, maintained by the U.S. Department of Transportation, of individuals whose driving privileges are denied, terminated or withdrawn, as reported by the states' driver licensing authorities.

"OASA" means the Illinois Department of Human Services, Office of Alcoholism and Substance Abuse.

"Office" means the Office of the Secretary of State and not any particular department address or location.

"Permanent Lockout" means that feature of the device that prevents a vehicle with the device installed from starting after the lapse of the five-(5) days and requires servicing by the manufacturer/installer of the device to make the vehicle operable for failure to take the vehicle with the device to the manufacturer or installer for any required monitor report or for any failure to send the device to the manufacturer within five-(5) days after any service or inspection notification.

"Petitioner" is the party who seeks or applies for relief from the Office from the suspension, revocation, cancellation, or denial of his/her driving privileges pursuant to the provisions of the Illinois Vehicle Code.

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"Program" means the BAID Pilot Program administered by the Secretary.

"RDP" means a restricted driving permit, as defined by Section 1-173.1 of the Code and limited as specified in Sections 6-205(c) and 6-206(c)3 of the Code.

"Recidivist" means an individual who had lost driving privileges due to a DUI disposition, received driving relief resulting from administrative hearing for a DUI disposition, the arrest date of which occurred on or after January 1, 1982, and thereafter received another DUI disposition causing a further loss of driving privileges regardless of whether it is the reason for the current loss of driving privileges. It shall also include any individual who has been issued a JDP and who, within three-4 37 years after of that issuance date, appears at an administrative hearing for driving relief due to a the subsequent DUI disposition.

"Reinstatement" means the restoration of driving privileges entitling the petitioner ~~petitioner~~ to apply for a new driver's license in accordance with the requirements of the Illinois Vehicle Code and the Rules promulgated thereunder.

"Respondent" means a person against whom a complaint or petition is filed, or who, by reason of interest in the subject matter of a petition or of application or the relief sought through that action therein, is made a respondent Respondent or to whom an order or complaint is directed by the department ~~Department~~ initiating a proceeding.

"Rolling Retest" means that feature of the device that requires the driver to take additional another ~~another~~ BAC test(s) after the initial test to start the vehicle.

"Secretary" means the Illinois Secretary of State.

~~"Self-help--Program--means--an--independent--non-profit--organization comprised of individuals who hold voluntary meetings--specifically to help--each--member--to achieve--and/or maintain--abstinence--from alcohol and/or other--drugs--"~~

"Service or Inspection Notification" means that feature of the device that advises or notifies the BAID Permittee to either take the vehicle with the device installed to the manufacturer or installer or send the device to the manufacturer for the required inspection and the monitor report.

"Service Center" means a dealer, distributor, supplier, or other business engaged in the installation of devices.

"Significant Other" means any person with whom an individual is experiencing an ongoing, close association that represents a meaningful part of that individual's established life style (e.g., spouse, other family member, employer, co-worker, clergy member, roommate).

"Significant Risk" means the classification resulting from an alcohol and drug evaluation assigned to a petitioner who has a prior conviction or court ordered supervision for DUI, or statutory summary suspension or reckless driving conviction reduced from DUI, and/or a blood alcohol concentration (BAC) of .20 or higher as a result of the most current arrest for DUI, and/or other symptoms of substance abuse. (See 77 Ill. Adm. Code 2060.503(g).)

"Stressed" means conditions such as temperature extremes, vibration, and power variability.

"Support/Recovery Program" means specific activities which a recovering alcoholic/chemically dependent person has incorporated into his/her life style to help support his/her continued abstinence from alcohol and other drugs. This may include, but is not limited to, participating in a self-help program group (Alcoholics Anonymous, Narcotics Anonymous, etc.), or a professional support group, or regularly and frequently engaging in religious or other activities which have a distinct and positive effect on an individual's continued abstinence. Any program activity and its relationship to the individual's ability to remain abstinent must be clearly identified and verified by proper documentation independent from an individual's self report (such as indicated in Section 1001.440(e) through (i) of this Part). The Hearing Officer Hearing-Officer shall determine the viability of the petitioner's program activity as a means of supporting continued abstinence, taking into account all the evidence brought forward at the hearing, as well as considering whether the program is substantially consistent with the following criteria:

The program encourages life style change which involves the replacement of substance using activity with non-substance using activity.

A strong focus of the program is to provide ongoing assistance in identifying and resolving substance dependency-related issues that may jeopardize an individual's continued recovery.

The program encourages positive individual values of responsibility and honesty, as well as less self-centered thinking.

The program has demonstrated a durability and stability over time

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that reflects its usefulness in supporting long-term recovery.

"Tampering" means an overt, conscious attempt to disable or disconnect the BAID.

"24 twenty-four Hour Lockout" means that feature of the device that causes a vehicle with the device installed to become inoperable for a period of 24 twenty-four hours any time the device registers three-3) BRAC readings of 0.05 or more within a thirty-30 minute period.

"Undue Hardship as It Relates to Educational Pursuits" means an extreme difficulty in getting to and from the location of the accredited education course, due to the loss of driving privileges. It is more than mere inconvenience to the petitioner, and pertains only to the petitioner. All other reasonable means of transportation must be unavailable to the petitioner. An undue hardship is not shown by the mere fact that the driving privileges are suspended or revoked.

"Undue Hardship Relating to Employment" means, as used in the context of Sections 6-205(c) and 6-206(c)3 of the Code, an extreme difficulty in regard to getting to or from a petitioner's employment; e.g., as delivery person, or to operate on a route during revocation, or cancellation of the petitioner's driving privileges. It is more than mere inconvenience on the petitioner and pertains only to the petitioner. All other reasonable means of transportation must be unavailable to the petitioner. An undue hardship is not shown by the mere fact that the driving privileges are suspended or revoked.

"Undue Hardship as It Relates to Necessary Medical Care necessary-medical-care" means an extreme difficulty in regard to getting to and from a location where petitioner or a member of his/her immediate family receives examinations, therapy or treatment, etc., prescribed or recommended by a licensed physical or mental health care provider, physician and/or in the case of a diagnosis or clinical impression of alcoholism/chemical dependency--where a petitioner is participating in an ongoing support program--as prescribed or recommended by a physician or other qualified professional. It means more than mere inconvenience. There must be no other reasonable alternative means of transportation available. An undue hardship is not demonstrated by the mere fact that the petitioner's driving privileges are suspended or revoked.

"Undue Hardship as It Relates to Support/Recovery Program" means an extreme difficulty in regard to getting to and from a location where a petitioner is participating in an ongoing support program. It means

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more than mere inconvenience. There must be no other reasonable alternative means of transportation available. An undue hardship is not demonstrated by the mere fact that the petitioner's driving privileges are suspended or revoked.

"Unsuccessful Attempt to Start the Vehicle" means anytime the BAID Permittee registers a BRAC reading of 0.025 or more when attempting to start the vehicle.

"Vehicle", for purposes of the Breath Alcohol Ignition Interlock Device Pilot Program, means every apparatus in, upon or by which any person or property is or may be transported or drawn upon a highway and that which is self-propelled, except for apparatuses moved solely by human power, motorized wheelchairs, and motorcycles.

"Vendor" means a retail or wholesale supplier of a device, and may include a service center.

"W/V" means weight of alcohol in the volume of breath based upon grams of alcohol per 210 liters of breath.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

# Section 1001.420 General Provisions Relating to the Issuance of Restricted Driving Permits

## a) RDP Classifications

- 1) A petitioner for an employment related RDP must be currently employed, or present a verifiable commitment for employment, and the employment must be verified upon forms prescribed by the Department. If the petitioner is self-employed, evidence of self-employment can include, but is not limited to, stationery, business card, official receipt, check, State or Federal tax returns or letters from business associates.
- 2) A petitioner for an RDP for medical or treatment purposes must provide verifiable documentation from the licensed physical or mental health care provider, doctor, or member of his/her household must receive or is receiving services on a regularly scheduled basis.
- 3) A petitioner for an RDP for court ordered community service must provide certified court documents detailing the terms of the service, including but not limited to the place or places the service is performed, the hours during which the service is to be performed and the nature of the service.
- 4) A petitioner for an educational RDP must be currently



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enrolled, or intend to enroll for the next available session ~~attend-on-enrolling~~, in an accredited educational institution for the purpose of taking an accredited educational course or courses. Prior to the issuance of any educational RDP, the petitioner ~~Pettitioner~~ must submit verification of such enrollment from the institution. The such verification shall be on a form provided by the Secretary of State.

- 5) A petitioner for a support/recovery program RDP must provide verifiable documentation, from members of the group or program, that he/she has been attending meetings on a regular basis.
- 6) A petitioner who wishes to begin resume participation in a support/recovery program, but who resides alone or in a household in which there is no other licensed driver and resides in a remote location in or near a community in which public transportation is not available, will be considered for a support/recovery program RDP if the petitioner proves that he/she has been abstinent from all alcohol and drugs for a minimum of 12 months and has satisfied the other provisions of this Subpart.
- b) An A RDP may be granted only after suspension, revocation, or cancellation for the offenses listed in Sections 6-205, 6-206, 6-303, 6-201(a) as it relates to 6-103.4, and 11-501.1, 11-501.6 and 11-501.8 of the Code. Petitioners who are eligible to apply for a JDP are not eligible for and will not be considered for an A RDP.
- c) A petitioner ~~Pettitioner~~ must prove by clear and convincing evidence that an undue hardship is currently being suffered as a result of the inability to legally operate a motor vehicle. Mere inconvenience to the petitioner ~~Pettitioner~~ or family and friends is not undue hardship. The petitioner ~~Pettitioner~~ should produce clear and convincing evidence as to the unavailability of reasonable alternative means of transportation, such as but not limited to: walking, mass transit, car pools, or being driven; how the petitioner ~~Pettitioner~~ is currently getting to his/her destination; whether driving is required in the course of employment; the distance between the petitioner's ~~Pettitioner's~~ residence and his/her destination; and similar factors relating to employment, necessary medical care, support/recovery program meetings, community service and/or educational pursuits.
- 1) Appropriate limits will be established for necessary on-the-job driving. The days, hours, and mileage limits will not exceed those absolutely necessary for the accomplishment of the petitioner's ~~Pettitioner's~~ primary employment and shall be limited to a maximum of ~~twelve~~ 12 hours per day and ~~six~~ 6 days per week unless the request for increased limits is substantially documented, such as through an employer's verification of the petitioner's ~~Pettitioner's~~ work schedule.
- 2) A support/recovery program medical RDP may include attendance at no more than ~~three~~ 3 self-help-program meetings per week.
- 3) An educational RDP will be subject to appropriate limits necessary to allow the petitioner ~~Pettitioner~~ to get to and

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the subject institution/courses. The days and hours will not exceed those absolutely necessary for that purpose and shall be limited to a maximum of ~~twelve~~ 12 hours per day and ~~six~~ 6 days per week. Additional parameters to consider in setting these such limits shall include whether the petitioner ~~Pettitioner~~ commutes daily to the courses, is required to participate in clinical or student teaching programs in order to fulfill the requirements for a degree in his/her chosen field, or lives on or within a radius of one (1) mile from the campus and only needs to drive to and from the institution on an infrequent basis (less than once per week) and is then able to get to the courses by other means of transportation. The such permit shall expire at the conclusion of the period for in which it is granted the ~~Pettitioner~~ is currently enrolled. ~~Each new enrollment period shall require a new application for an educational RDP.~~

- d) Factors which will be considered by the Department in determining the propriety of granting a petitioner a RDP include, but are not limited to: the petitioner's ~~Pettitioner's~~ age; whether the petitioner ~~Pettitioner~~ has driven while suspended or revoked; duration of present employment; number of years licensed to drive; number, severity, and frequency of accidents, frequency, type, and severity of traffic violations; efforts at rehabilitation or reform of past driving practices; demeanor of petitioner ~~Pettitioner~~ in the hearing; credibility of petitioner ~~Pettitioner~~ and witnesses in the hearing; documentary evidence; given to the petitioner's ~~Pettitioner's~~ total driving record, including but not limited to reasons for violations, prior permits issued (unless such permits were issued pursuant to the order of a circuit or appellate court following an administrative review action) and driving record while on such permits; driving history in another state if licensed previously; reports of probation and/or parole officers; and psychiatric reports where the evidence shows that petitioner ~~Pettitioner~~ is suffering or has suffered from a mental disorder which might affect his/her ability to operate a motor vehicle in a safe and responsible manner.
- e) Pursuant ~~the effect of the issuance of an RDP upon public safety will be carefully considered before any RDP is granted pursuant to Sections 6-205(c) and 6-206(c) of the Code, the public welfare and safety must not be endangered by the issuance of an RDP.~~ The evidence must show that the petitioner will operate a motor vehicle safely so as not to be a danger to himself or herself or other drivers on the road. The mere passage of time since the date of revocation is not sufficient evidence.
- f) An A RDP will not be issued while any ticket is pending against a petitioner ~~him/her~~ in any court of this or any other state, unless the pending citation or citations are also the only cause of the current loss of driving privileges ~~an open summary suspension or suspensions.~~
- g) A petitioner ~~Pettitioner~~ who is otherwise eligible for an A RDP may be

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alcohol/drug related within the last ten--t 10+ years for which the petitioner/respondent petitioner did not or was not required to submit to the Secretary of State an alcohol/drug evaluation the petitioner may be a user of alcohol or any other drug to a degree which renders that such--a person incapable of safely driving a motor vehicle. (See Section 6-103.4 of the Code).] the petitioner will be required to complete any recommended rehabilitative activity or provide a waiver thereof. The petitioner will be required to complete any recommended rehabilitative activity or provide a waiver.

2) The petitioner/respondent the petitioner may be a user of alcohol or any other drug to a degree which renders that such--a person incapable of safely driving a motor vehicle. (See Section 6-103.4 of the Code).] the petitioner will be required to complete any recommended rehabilitative activity or provide a waiver thereof. The petitioner will be required to complete any recommended rehabilitative activity or provide a waiver.

m) A petitioner/petitioner whose driving privileges have been revoked or cancelled or whose driver's license has expired will be required to submit to a driver's license examination prior to the issuance of an RDP.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 1001.430 General Provisions for Reinstatement of Driving Privileges after Revocation

- a) In all cases, a conviction in a court of law in Illinois or any other state is dispositive of the guilt of a petitioner/petitioner of the offense which caused his/her revocation.
- b) If revocation was for a cause that has been removed, such as the reversal of a conviction upon which revocation was entered, the petitioner/petitioner must demonstrate that fact by clear and convincing evidence.
- c) The factors which will be considered by the Department in determining the propriety of reinstating a petitioner/petitioner whose driving privileges have been revoked include but are not limited to: The petitioner's/petitioner's age; whether the petitioner/petitioner has driven while suspended or revoked; duration of present employment; number of years suspended or revoked; number, severity, and frequency of accidents; frequency, type, and severity of traffic violations; efforts at rehabilitation or reform of past driving practices; demeanor of petitioner/petitioner in the hearing; credibility of petitioner/petitioner and witnesses in the hearing; credibility of and weight given to the petitioner's/petitioner's documentary evidence; petitioner's/petitioner's total driving record, including but not limited to reasons for violations, prior permits issued (unless such permit was issued pursuant to the order of circuit or appellate court following an administrative review action), and driving record while on any permit; driving history in another state if licensed previously; reports of probation and/or parole officers; and psychiatric reports where the evidence shows that petitioner/petitioner is suffering or has suffered from a psychiatric disorder

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- referred to a remedial or rehabilitative program prior to the permit's issuance, if his/her driving record warrants these such measures. (See Sections 6-205(c) and 6-206(c)(3) of the Code).]
- h) A petitioner/petitioner otherwise eligible for reinstatement of driving privileges or termination of a cancellation under Section 6-201(a)5, as it relates to 6-103.4, may be issued an RDP for a probationary or trial period prior to full reinstatement of driving privileges or termination of cancellation in cases where the petitioner/petitioner has a poor driving record (evidenced by many minor violations or a few serious violations) or involvement as a driver in a traffic collision resulting in death or injury requiring immediate professional treatment in a medical facility or doctor's office, or any person, or has been evaluated as Level II or Level III by an alcohol/drug evaluation.
- i) An RDP will be issued to an out-of-state resident only if he/she has a valid license to drive issued by the jurisdiction in which he/she resides; he/she has a verified employment, medical, community service or educational related need to drive in Illinois; and he/she complies with all other requirements of this Subpart.
- j) An RDP will not be issued to a new resident of Illinois if his/her driving privileges are suspended or revoked in another jurisdiction until such time as that suspension or revocation is terminated. An RDP may be issued to a new resident of Illinois if his/her driving privileges are revoked in another jurisdiction under the following conditions:
- 1) At least one year has expired from the date of the revocation yet the revocation period has not expired; and
  - 2) The petitioner submits written verification from the other jurisdiction indicating that an RDP or similar type of driving relief would be available if the petitioner were still a resident of that jurisdiction; and
  - 3) The petitioner meets all other applicable requirements of this Subpart.
- k) The Director or a designee shall make the final decision, on each petition application, on behalf of the Secretary. If relief was sought at a formal hearing, petitioners/petitioners will receive a copy of the hearing officer's Hearing Officer's Findings of Fact, Conclusions of Law, and Recommendations, and the Secretary's Order.
- l) A petitioner/petitioner will be required to complete and submit an investigative alcohol and drug evaluation as part of the Secretary's investigative process, where the evidence, including the petitioner's driving record, indicates that:
- 1) the current loss of driving privileges is not related to a DUI arrest/disposition yet the petitioner's/respondent's petitioner's driving record contains, or other evidence indicates the existence of:
    - A) a prior DUI disposition; or
    - B) any other conviction or loss of driving privileges that was

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which might affect effect his/her ability to operate a motor vehicle in a safe and responsible manner.

- d) A petitioner ~~Petitioner~~ will be required to complete and submit an investigative alcohol drug evaluation as part of the Secretary's investigative process, where the evidence, including the petitioner's driving record, indicates that:

- 1) The current loss of driving privileges is not related to a DUI arrest/disposition yet the petitioner's/respondent's ~~Petitioner's~~ driving record contains, or other evidence indicates the existence of:

- A) a prior DUI disposition or
  - B) any other conviction or loss of driving privileges that was alcohol/drug related
- within the last ~~ten~~ 10 years for which the petitioner/respondent ~~Petitioner~~ did not or was not required to submit to the Secretary of State an alcohol/drug evaluation to obtain driving privileges; or

- 2) the petitioner/respondent ~~Petitioner~~ may be a user of alcohol or any other drug to a degree which renders that such--a person incapable of safely driving a motor vehicle. (See Section 6-103.4 of the Code).~~1 The--Petitioner--will--be--required--to complete--any--recommended--rehabilitative--activity--or--provide--a waiver--thereof.~~

The petitioner will be required to complete any recommended rehabilitative activity or provide a waiver.

- e) A petitioner ~~Petitioner~~ will be required to submit to a driver's license examination prior to the reinstatement of driving privileges if the such test has not been successfully completed in the preceding ~~twelve~~ 12 months.

- f) In case of either subsection ~~case-of-subsections~~ (b) or (c), the public welfare and safety must not be endangered by the reinstatement of the petitioner's ~~Petitioner's~~ driving privileges. The ~~Petitioner~~ ~~Petitioner~~, if restored to full driving privileges, must operate a motor vehicle safely so as not to be a danger to himself or herself or other drivers on the road. The mere passage of time since the date of revocation is not sufficient evidence.

- g) A hearing for reinstatement will not be conducted at any time before the prescribed date of eligibility.

- h) The driving privileges of a petitioner ~~Petitioner~~ shall not be reinstated while any traffic offense is pending against him/her in any court.

- i) A petitioner who is driving on a restricted driving permit at the time of his/her hearing will not be considered for reinstatement, regardless of the petitioner's eligibility date, unless he/she has successfully completed driving on that permit for 75% of its length. However, a petitioner may appeal to the Director of the Department for a waiver of this provision when exigent circumstances warrant consideration of a waiver.

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- 1) The Director or a designee shall make the final decision, on each petition ~~application~~, on behalf of the Secretary. If relief was sought at a formal hearing, petitioners ~~Petitioners~~ will receive a copy of the hearing officer's ~~Hearing-Officer's~~ Findings of Fact, Conclusions of Law, and Recommendations, and the Secretary's Order.

- k) Notwithstanding any other provisions of this Subpart, the following provisions for reinstatement of the Illinois driving privileges for certain out-of-state petitioners shall apply:

- 1) Out-of-state petitioners whose driving privileges are revoked in Illinois shall be granted reinstatement of Illinois driving privileges upon a showing that:

- A) he/she is not currently a resident of the State of Illinois and resides more than 30 miles from the Illinois border;
- B) at the time of arrest or arrests in Illinois for the violations that led to the revocation of the Illinois driving privileges, the petitioner was not licensed to drive in Illinois, was a resident of a state or jurisdiction other than Illinois, and continues to reside in that or any other state or jurisdiction;

- C) the petitioner is not currently seeking to reside in or be licensed to drive in the State of Illinois;

- D) the state of residence and/or licensure of the petitioner at the time of the Illinois arrest did not take action, or took action against the driving privileges of the petitioner based upon the Illinois arrest and the action has terminated;

- E) the petitioner is not prohibited from obtaining driving privileges in any state or jurisdiction other than Illinois;

- F) and the petitioner has paid all necessary fees due the State of Illinois.

- 2) Out-of-state petitioners granted reinstatement under the provisions of this subsection (k), who subsequently apply for Illinois driving privileges and a driver's license within 10 years from the date of reinstatement in Illinois, shall be required to have an administrative hearing and meet all of the applicable requirements of this Subpart prior to the issuance of any Illinois driving privileges and a driver's license if, within the 10 years prior to the date of the application for the Illinois driver's license, the petitioner had:

- A) any DUI disposition; or
- B) committed any offense that if committed in Illinois would result in the suspension or revocation of driving privileges.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)







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1) Any updated evaluation that 7--which reclassifies a Petitioner Petitioner to or within a Moderate, Significant or High Risk Classification Level--if--or ##7 shall include a referral to a treatment provider for the purpose of determining the need, if any, for additional rehabilitative activity. Any waiver of provider must be in writing and include the rationale for the waiver. Any recommendation for additional rehabilitative activity must be complied with before relief will be granted.

2) A Petitioner Petitioner may not submit an updated evaluation if the uniform report evaluation being updated does not discuss the most recent DUI disposition. In such case the Petitioner Petitioner must submit a uniform report evaluation.

C) An out-of-state alcohol and drug evaluation shall contain, at a minimum, the following: a complete alcohol and drug use history; a history of any alcohol and drug-related offenses; a current alcohol/drug use classification of the Petitioner Petitioner and the rationale for that classification; any recommendations; and the rationale for such recommendations. The evaluation must be corroborated by an interview with a significant other and by the administration of an objective test. The information obtained must be summarized and the evaluator should indicate whether it corroborates the data provided by the Petitioner Petitioner. The evaluation must be verified by the evaluator. The individual or agency that completes the evaluation must be properly accredited or licensed in the state in which the individual or agency operates.

D) An investigative alcohol and drug evaluation shall contain, at a minimum, the following: a complete alcohol and drug use history; a history of alcohol and drug-related driving and criminal offenses; a clinical impression of what the evaluation data indicates and the rationale for that conclusion; any recommendations; and the rationale for such recommendations. The evaluation must be corroborated by an interview with a significant other and by the administration of an objective test. The information must be summarized and the evaluator should indicate whether it corroborates the data provided by the Petitioner Petitioner. The evaluation must be typewritten, on a form provided by the Department, and verified by the evaluator. The program that completes the evaluation must meet the same standards as programs qualified to prepare uniform report evaluations. (See subsection (a)(1).)

E) Petitioners classified at High Risk who have driven

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successfully on a restricted driving permit for at least 3 years after submitting an original evaluation are not required to provide an updated evaluation if:

- i) the Petitioner files for an extension of the RDP or RDP; or
- ii) the current RDP is expired for more than 30 days at the time the Petitioner files for an extension of the RDP or for another hearing.

All other documentation required by this Subpart D must be submitted.

7) Any alcohol or drug related remedial course required by this Part must be completed on a date after the most recent DUI disposition arrest date.

b) Before any driving relief will be granted, the Petitioner Petitioner must prove by clear and convincing evidence: that he/she does not have a current problem with alcohol or other drugs; that he/she is a low or minimal risk to repeat his/her past abusive behaviors and the operation of a motor vehicle while under the influence of alcohol or other drugs; and that he/she has complied with all other standards as specified in this Subpart D. If the evidence establishes that the Petitioner Petitioner has had an alcohol/drug problem, the Petitioner Petitioner must also prove that the said problem has been resolved.

1) Petitioners whose use of alcohol/drugs has been classified as Level--1 Minimal Risk must document successful completion of a 10 hour alcohol/drug remedial education course by submission of a document which reflects the completion of the requirements contained in 77 Ill. Adm. Code 2050.505 2056--Subpart-B.

2) Petitioners whose use of alcohol/drugs has been classified as Level--2 Moderate or Significant Risk must document successful completion of an alcohol/drug remedial course as specified in subsection (b)(1) above and the treatment recommended on referral evaluator or other qualified professional recommended on referral by the evaluator. The treatment must be provided by an individual or agency licensed to provide such treatment by OASA PASA or the Department of Public Health, or an individual therapist who is licensed as a private practitioner, or an Illinois Department of Professional Regulation, or an out-of-state individual therapist or agency properly licensed by the state in which he/she operates.

3) Petitioners classified as High Risk Level--3 Dependent must document abstinence as required in subsection (e) below; the completion of treatment provided by a facility or facilitator licensed by OASA PASA or the Illinois Department of Public Health, an individual therapist who is licensed as a private practitioner by the Illinois Department of Professional Regulation, or an out-of-state individual therapist or agency properly licensed by the state in which he/she operates; the

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establishment of an ongoing support/recovery program; and compliance with any additional recommendations of his/her evaluator or treatment provider.

- 4) Petitioner's classified as High Risk Nondependent ~~Level-III--Non Dependent~~ must document: non-problematic use as provided in subsection (f) below; treatment provided by a facility or facilitator licensed by OASA ~~BASA~~ or the Illinois Department of Public Health, an individual therapist who is licensed as a private practitioner by the Illinois Department of Professional Regulation, or an out-of-state individual therapist or agency properly licensed by the state in which he/she operates; compliance with any additional recommendations of his/her evaluator or treatment provider, including abstinence; and a detailed explanation ~~the-further-assessment~~ by the treatment provider as to why dependency was ruled out ~~to-identify-the disorder-causing-the-high-risk-behavior-as-required-by-BASA-§5c-77-iii-Adm-60de-9956-35b~~.

- 5) Petitioners who obtain an investigative alcohol/drug evaluation must document the completion of any recommended treatment provided by a facility or facilitator licensed by OASA or the Illinois Department of Public Health, an individual therapist who is licensed as a private practitioner by the Illinois Department of Professional Regulation, or an out-of-state individual therapist or agency properly licensed by the state in which he/she operates. If found to be chemically dependent, then the petitioner must prove abstinence as required in subsection (e) and the establishment of an ongoing support/recovery program, and compliance with any additional recommendations of his/her evaluator or treatment provider.

- 6) In the event that a treatment provider does not require an individual classified Moderate, Significant or High Risk ~~Level-III or Level-III~~ to complete at least the minimum amount and type of intervention or treatment specified by OASA ~~BASA~~, the treatment provider must supply the Department with a detailed explanation of the rationale for that decision. ~~the-treatment-provider-may not-however-under-any-circumstances-waive-further-assessment and-counseling-required-of-any-Petitioner-classified-Level-III Non-Dependent;~~

- c) The presence of more than one DUI disposition on a petitioner's ~~Petitioner's~~ abstract shall create a rebuttable presumption that the ~~Petitioner~~ ~~Petitioner~~ suffers from a current alcohol/drug problem and should, therefore, be classified at least as ~~Level-III~~ Significant Risk.

- d) Evidence which shall be considered in determining whether the ~~Petitioner~~ ~~Petitioner~~ has met his/her burden of proof and has overcome the presumption of a current alcohol/drug problem includes, but is not limited to, the following, where applicable:

- 1) The factors enumerated in Section 1001.430(c) above;

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- 2) The similarity of circumstances between alcohol or drug related arrests;
- 3) Any property damage or personal injury caused by the ~~Petitioner~~ while driving under the influence;
- 4) Changes in life style and alcohol/drug use patterns following alcohol/drug-related arrest, and the reasons for the change ~~thereof~~;

- 5) The chronological relationship of alcohol/drug-related arrests;
- 6) Length of alcohol/drug abuse pattern;

- 7) Degree of self-acceptance of alcohol/drug problem;
- 8) Degree of involvement in or successful completion of prior treatment/intervention recommendations following alcohol/drug related arrests and in a support/recovery program;

- 9) Prior relapses from attempted abstinence;

- 10) Identification, treatment and resolution of the cause of the ~~any disorder-causing~~ high risk behavior ~~as-found-in-a-further assessment-required~~ of any petitioner ~~Petitioner~~ classified ~~High Risk Nondependent Level-III--Non-Dependent~~;

- 11) The problems, pressures and/or external forces alleged to have precipitated the ~~Petitioner's~~ ~~Petitioner's~~ abuse of alcohol or other drugs on the occasion of each alcohol/drug-related arrest, and the present status of the same, particularly whether they have been satisfactorily resolved;

- 12) The ~~Petitioner's~~ ~~Petitioner's~~ explanation for his/her multiple arrests and/or convictions for offenses involving alcohol/drugs, particularly for allowing the second and subsequent arrests/convictions to occur;

- 13) In out-of-state petitions the evaluator's rationale for classifying a petitioner ~~Petitioner~~ with multiple DUI dispositions as a Minimal or Moderate Risk ~~non-problematic--user level-III~~. In these such cases it is particularly important that the evaluator's classification be based on complete and accurate information;

- 14) The petitioner's criminal history, particularly drug offenses which in any way involved alcohol/drugs;

- 15) The petitioner's chemical test results of the petitioner's blood, breath or urine from all previous arrests or all previous alcohol/drug-related offenses (not just traffic offenses) in addition to the chemical test results of the most recent arrest;

- 16) The extent to which, in terms of completeness and thoroughness, a petitioner and his/her service providers have addressed every issue raised by the hearing officers in previous hearings;

- 17) ~~It is particularly important that the evaluator's classification be based on complete, accurate and consistent information, especially all of the petitioner's DUI arrests and BAC test results. The probative value of evaluations which deviate from this standard will be diminished. The degree to which their probative value will be diminished will depend upon~~

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the degree to which the evaluation deviates from this standard and the standards imposed by OASA BASA.

- e) Petitioners classified as High Risk Level-III Dependent, or any other petitioner Petitioner with a recommendation of abstinence by an OASA BASA licensed evaluator or treatment provider, must should have a minimum of twelve-12 consecutive months of documented abstinence. Documentation of abstinence must be received from at least three-3 independent sources. The sources should not be fellow members of a support group unless those members have regular and frequent contact with the Petitioner outside the group meetings. The hearing officer Hearing-officer shall determine the weight to be accorded the documentation, taking into account the credibility of the source and the totality of the evidence adduced at the hearing. Letters or witness testimony establishing abstinence should contain, at a minimum, the following:

- 1) The person's relationship to Petitioner Petitioner (friend, family member, fellow employee, etc.).
- 2) How long the person has known the Petitioner Petitioner.
- 3) How often the person sees the Petitioner Petitioner (daily, weekly, monthly, etc.).
- 4) How long the person knows the Petitioner Petitioner has abstained.

- 5) Each letter Letters must be dated and signed by its authors. All letters must be submitted in their original form and should be dated no more than 45 days prior to the hearing date. Telephone facsimiles and photocopies of original letters will be admitted into evidence pending the submission of the original within a reasonable number of days as determined by the presiding hearing officer.

Waivers of the rule requiring 12 months of abstinence are discretionary when considering an RDP but shall not be granted unless the Petitioner Petitioner proves at least six-6 months continuous abstinence at the time of the hearing. When waivers-are granted Petitioner-shall-be-required-to-supply-the-Secretary-with-monthly-documentation--of--involvement-in-the-support-program-or-the-RDP-will-be-cancelled

- f) Petitioner classified as High Risk Nondependent Level-III-Non Dependent must demonstrate at least twelve-12 consecutive months of non-problematic alcohol use, or abstinence, and abstinence from the use of illegal drugs. This evidence must be submitted from at least three-3 independent sources and generally comply with the standards set forth in subsection (e) above. Waivers are discretionary when considering an RDP, but shall not be granted unless the Petitioner Petitioner demonstrates at least six-6 months of non-problematic alcohol use, or abstinence, and abstinence from the use of illegal drugs.

- g) If the Petitioner Petitioner has been attending a support/recovery self-help program, such as Alcoholics Anonymous or Narcotics

Anonymous, the Petitioner must Petitioner-should present at least 3 three dated and signed letters or witness testimony from fellow support/recovery self-help program members documenting at a minimum the following:

- 1) How long the person has known the Petitioner Petitioner.
  - 2) How long the Petitioner Petitioner has attended the program.
  - 3) How often the Petitioner Petitioner attends the program.
- b) A Petitioner's participation in internet Alcoholics Anonymous, Narcotics Anonymous or other support/recovery program "chat rooms" or any other support/recovery program services available over the internet is not an acceptable substitute for the regular attendance of meetings in person. However, such participation will be considered as probative of the extent of the Petitioner's involvement in a support/recovery program, i.e., as a supplement to the regular attendance of meetings in person.

- ih) If the Petitioner's Petitioner's support/recovery program does not involve a structured, organized, recognized program such as A.A. or N.A., the Petitioner Petitioner is required to identify what that program is and explain how it works and keeps Petitioner Petitioner abstinent. The Petitioner Petitioner is required to present either witness testimony or written verification of the program from at least three-3 independent sources involved in the program, which, if letters, should be signed and dated and which must contain, at a minimum, the following:

- 1) The person's relationship to the Petitioner Petitioner (friend, family member, fellow employee, etc.).
- 2) How long the person has known the Petitioner Petitioner.
- 3) How often the person sees the Petitioner Petitioner (daily, weekly, monthly, etc.).
- 4) How the person is involved in the Petitioner's Petitioner's recovery program and what role the person plays in helping the Petitioner Petitioner abstain from alcohol/drugs.
- 5) What changes the person has seen in the Petitioner Petitioner since Petitioner's Petitioner's abstinence.

- ij) If the Petitioner Petitioner has a support/recovery self-help program sponsor, one (1) letter should be obtained from his/her sponsor documenting the above data in subsection (g).

- kl) In cases where a Petitioner Petitioner seeks a restricted driving permit to allow him/her to drive to support/recovery self-help program meetings, he/she must provide specific information identifying, at a minimum, the following:

- 1) The locations of the meetings he/she wishes to attend;
- 2) The days of the week when meetings are held at these locations;
- 3) The hours of the day when these meetings are held.

- lm) If the Petitioner Petitioner has undergone early intervention (Moderate Risk classification), he/she must provide a narrative summary which includes, at a minimum, the following:

- 1) The name, address, and telephone number of the licensed service



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## Provider:

- 2) The dates the petitioner began and completed early interventions, as well as the number of days or hours he/she was involved in the interventions process;
  - 3) A summary discussion of the intervention provided and its outcome, specifically, those issues that were addressed or explored, and the provider's perception of what the petitioner gained from the experience and his/her ability to avoid future development of alcohol problems;
  - 4) The rationale for any modification in the early intervention requirements specified by OASA;
  - 5) The dated signature of the professional staff person providing the early intervention information.
- m) If the petitioner Pettitioner has had alcohol or drug related treatment, he/she must provide the following information:
- 1) A narrative summary which includes, at a minimum:
    - A) The name, address, and telephone number of treatment center.
    - B) The date the petitioner Pettitioner entered treatment and the date the petitioner Pettitioner was discharged from treatment; the number of days or hours the petitioner Pettitioner was involved in treatment; the admitting and discharge diagnosis.
    - C) The type of treatment received (e.g., outpatient, intensive outpatient, or inpatient treatment; individual or group therapy).
    - D) A clinical impression or prognosis of either a Moderate or Significant Risk petitioner's level-of-Pettitioner's ability to maintain a non-problematic pattern, or a High Risk petitioner's level-of-Pettitioner's ability to maintain a stable recovery where applicable. Specifically, the treatment provider's perception of what the petitioner Pettitioner gained from the treatment experience and whether the experience was sufficient to substantially minimize the possibility of a recurrence of alcohol/drug related problems.
  - E) Any recommendations for continuing care aftercare or follow-up support, and an indication of the petitioner's Pettitioner's participation, if applicable.
  - F) The rationale rationale for any modification in the treatment requirements specified by OASA BASA.
  - G) The dated signature of the professional staff person providing the treatment information.
- 2) Copies of the following documents required by OASA BASA:
    - A) Individualized Treatment Plan. [See 77 Ill. Adm. Code 2060.421-2058-333.]
    - B) Discharge Summary and Continuing Care Aftercare Plan. [See 77 Ill. Adm. Code 2060.421-2058-339.]
  - 3) A current status report regarding the petitioner's involvement in

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continuing care. This report must discuss the petitioner's level of progress in completing follow-up activities outlined in the continuing care plan. If continuing care has been completed, a summary report must be provided which discusses the petitioner's progress throughout the course of completing all follow-up activities detailed in the continuing care plan. If continuing care has been determined to be unnecessary, a report must be provided which discusses the clinical rationale for that decision.

4) If the petitioner Pettitioner is unable to provide the required information, he/she must provide documentary evidence of his/her attempts to obtain the information same and the reason for its unavailability.

n) If a petitioner Pettitioner presents an alcohol/drug evaluation that was obtained as a condition precedent to either obtaining a JDP or the disposition of a DUI charge, that evaluation must meet the requirements of this Section in order to be accepted by the Secretary of State.

o) Out-of-state petitioners Pettitioners whose last arrest for driving under the influence occurred more than 10 years from the date of the current application for relief before-January-17-1999 may be excused from the requirement of an evaluation if the other evidence required of the petitioner Pettitioner, as set out in this subsection hereinafter, indicates that the petitioner Pettitioner does not have a current problem with alcohol or other drugs; that, if the petitioner Pettitioner has had an alcohol problem, it has been resolved; that the petitioner Pettitioner is now a low or minimum risk to repeat his/her past abusive behaviors and the operation of a motor vehicle while under the influence of alcohol or other drugs; and that the petitioner Pettitioner can now be considered a safe and responsible driver. The rationale for this subsection rule is that the length of time since the petitioner's Pettitioner's last DUI arrest indicates he/she is no longer a dangerous driver, and that Illinois' interest in a driver who no longer resides in this state is less than in one who resides in Illinois. Therefore, this exception does not apply to petitioners who reside within 30 miles of the Illinois border.

- 1) Petitioner must submit, at a minimum, the following evidence:
  - A) An affidavit regarding his/her alcohol/drug use, on a form provided by the Secretary of State.
  - B) At least three-4 3) letters of reference which, at a minimum, verify the frequency and amount of the petitioner's Pettitioner's alcohol/drug use for at least the last twelve-12 months prior to the hearing. The said letters should also discuss the petitioner's Pettitioner's character and ability to be a safe and responsible driver. The author must state how long he/she has known the petitioner Pettitioner, how often he/she sees, speaks to, or otherwise has contact with the petitioner Pettitioner, the nature of



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- the said contact, and the nature of their relationship.
- C) If the petitioner was required to participate in an alcohol/drug evaluation after his/her last arrest for driving under the influence, then the petitioner must submit a copy of that evaluation.
- D) If the petitioner has received treatment for alcohol/drug abuse, then he/she must submit a copy of the discharge summary of that treatment (written by the agency which provided the treatment).
- E) Petitioners who have been identified as or believe themselves to be alcoholic/chemically dependent must fulfill the requirements of subsection (b)(3) above pertaining to abstinence and the establishment of an ongoing support/recovery program.
- F) Credible evidence of his/her driving record in the current state of residence. The Secretary of State may also obtain this evidence.
- G) Any other relevant evidence which the petitioner desires to provide.
- 2) Upon receipt of this evidence, it shall be reviewed by the Director of the Department, or a duly appointed hearing officer designated by the Director, for the purpose of determining whether the requirement of an alcohol/drug evaluation should be waived and the out-of-state petition disposed of based upon the evidence listed in subsection (d) above. The factors recited in subsection (d) above shall be utilized and applied in making this determination.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1001.450 New Hearings

If a petitioner is denied relief after a formal hearing conducted pursuant to the Rules of Subpart A hereof, either for cause or upon default, another formal or informal hearing will not be granted to that petitioner regarding the same relief requested at the last hearing until at least four (4) months have elapsed since the date of the hearing.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1001.470 Renewal, Correction and Cancellation of RDPs

- a) The holder of an RDP granted as a result of a formal hearing decision, if still valid or expired for 30 days or less, and who is required to re-apply for reinstatement through a formal hearing (see Section 1001.380) may apply for a new RDP through an informal

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hearing, using the procedures set forth in Subpart C of this part and providing all documentation required in Subpart D in cases which are alcohol/drug related.

- b) Petitioners who are required to apply for relief at a formal hearing or who choose to apply for relief at a formal hearing and who are issued an RDP, may apply for additional RDPs for different purposes at informal hearings. Petitioners so attested must produce the same evidence at the informal hearing as would have been required for favorable consideration of a formal hearing. Additionally, petitioners who are issued one type of RDP but denied another type of RDP at a formal hearing may apply for the denied type of RDP at an informal hearing upon a showing of a relevant change of circumstances.
- c) Corrected RDPs will be issued to make necessary changes to the information on the RDP if the changes in employment and driving limits are documented and verified. Corrected RDPs will expire on the same date as the original permit.
- d) RDPs will be cancelled or invalidated pursuant to Sections 6-103, 6-113, 6-201, 6-205(a), and 6-206(a) of the Code. The Secretary of State reserves the authority to cancel any restricted driving permit(s) previously issued to a petitioner when the preponderance of the evidence taken at a subsequent hearing demonstrates that the petitioner can no longer be considered a low risk to repeat his/her past abusive behavior and be a safe and responsible driver, has regressed in his/her recovery from an alcohol/drug problem, or otherwise in any way is no longer in compliance with the standards specified in this Subpart D.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART F: ZERO TOLERANCE SUSPENSION OF DRIVING PRIVILEGES; PERSONS UNDER THE AGE OF 21 YEARS; IMPLIED CONSENT HEARINGS; RESTRICTED DRIVING PERMITS

## Section 1001.610 Definitions

All of the definitions contained in Subparts A, C, and D shall apply where applicable.

"Drugs" means drugs as defined in Section 3 of the Pharmacy Practice Act of 1987 [225 ILCS 85/3].

"Independent source" means a parent, legal guardian, person in loco parentis, spouse, roommate of the petitioner, or member of the clergy or the religious organization in question, all of whom must have firsthand knowledge of the matters verified.

"Medical or pharmacological expert" means a person licensed under the

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Medical Practice Act of 1987 [225 ILCS 60], or similar law of another jurisdiction, to practice medicine in all of its branches, or a person licensed under Section 3 of the Pharmacy Practice Act of 1987 [225 ILCS 85/3], or similar law of another jurisdiction, or any laboratory certified by the Illinois Department of Public Health pursuant to 77 Ill. Adm. Code 510.120, or any person certified by either the American Board of Forensic Toxicology or the American Board of Toxicology.

"Medicine" means and includes all drugs intended for human use approved by the United States Food and Drug Administration.

"Recommended dosage" means the strength, quantity and frequency of use of the medicine as recommended by a medical or pharmacological expert, or as set forth by the label directions or other packaging information for over-the-counter medicines.

"Religious service or ceremony" means the coming together of a group of persons with the same or similar religious beliefs for the purpose of exercising those beliefs.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1001.670 Petitions for Restricted Driving Permits

- a) Petitioners who apply for a restricted driving permit pursuant to paragraph (e) of Section 11-501.8(e) of the Code must submit to an investigative alcohol/drug evaluation, as defined in Section 1001.400 of Subpart D of this Part, as part of the Secretary's investigative process, when the evidence indicates that:
  - 1) the petitioner submitted to the requested chemical test and registered an alcohol concentration between 0.04 g-105 and less than 0.08 g-105; or
  - 2) the petitioner may be a user of alcohol or any other drug to a degree which renders him/her incapable of safely driving a motor vehicle (see Section 6-103.4 of the Code).
- b) Petitioners who apply for a restricted driving permit pursuant to paragraph (f) of Section 11-501.8(f) of the Code must submit to an alcohol/drug evaluation uniform report, as defined in Section 1001.400 of Subpart D of this Part, as part of the Secretary's investigative process, when the evidence indicates that:
  - 1) the petitioner submitted to the requested chemical test and registered an alcohol concentration of 0.08 g-105 or more; or
  - 2) the petitioner's driving record reflects a DUI disposition, as defined in Section 1001.400 of Subpart D of this Part.
- c) The petitioner is required to complete any recommended and/or required rehabilitative activity which pertains to the evaluation's classification of his/her use/abuse of alcohol/drugs or provide a

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written waiver thereof, prior to the issuance of any restricted driving permit.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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1) Heading of the Part: Diesel Emission Inspection Program

## Section 460.110 Definitions

2) Code Citation: 92 Ill. Adm. Code 460

Terms used throughout this Part to describe the diesel emission inspection program are defined in this Section.

3) Section Numbers: Proposed Action:

## Section 460.120 Applicability

This Part is applicable to Intrastate Carriers of Property or Passengers and Interstate Carriers of Passengers. Diesel-powered farm vehicles registered as farm trucks are exempt from this Part. Finally, units of local government within the affected areas, including home rule units, cannot require or conduct a diesel emission inspection program that does not meet or exceed the standards in this Part.

## Section 460.130 Address for Correspondence

The address for correspondence pertaining to this Part is provided in this Section.

## Section 460.140 Incorporation by Reference and Cutpoint Standards

The Department is incorporating by reference the Society of Automotive Engineers (SAE) Recommended Practice J1667 "Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel-Powered Vehicles," February 1996 edition, and the United States Environmental Protection Agency (USEPA) "Guidance to States on Smoke Opacity Cutpoints to be used with the SAE J1667 In-Use Smoke Test Procedure," April 1997 edition. The Department has also set out in this Section the opacity cutpoint standards that are recommended by the above-mentioned SAE guide.

4) Statutory Authority: Implementing and authorized by Section 13-109.1 and 13-114 of the Illinois Vehicle Inspection Law [625 ILCS 5/13-109.1 and 13-114]. (See P.A. 91-254 and P.A. 91-865, effective July 1, 2000.)Section 460.200 Official Testing Station Requirements  
Section 460.210 Private Official Testing Stations

These Sections set out the general requirements an Official Testing Station, public or private, permitted by the Department and located in an affected area, must follow when conducting diesel emission inspections in accordance with 625 ILCS 5/13-109.1. Among other things, Section 460.200 provides for the obtaining of diesel emission inspection equipment by a public Station free of charge from the Department at the time it is permitted to perform emission inspections as long as the Department still has equipment available. The Department purchased enough equipment to supply all public Official Testing Stations in the affected areas existing upon the enactment of P.A. 91-254 and P.A. 91-865. Priority for furnishing equipment will be based upon the date a Station is permitted to perform diesel emission inspections. When the Department's supply of equipment runs out, any owner of a public Official Testing Station who opens a Station will be required to purchase the equipment necessary for compliance with this Part. Private Stations must purchase their own

5) A Complete Description of the Subjects and Issues Involved: By this Notice of Proposed Rules, the Department is establishing the Diesel Emission Inspection Program as mandated by P.A. 91-254 and P.A. 91-865, effective July 1, 2000. A brief Section by Section analysis follows:

## Section 460.100 Purpose

This Part establishes requirements to be followed by an owner of a diesel-powered vehicle registered within an affected area in Illinois that is subject to a diesel emission inspection in accordance with Section 13-109.1 of the Illinois Vehicle Inspection Law [625 ILCS 5/13-109.1]. Inspection, compliance and enforcement procedures are also covered by this Part.

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Department approved diesel emission inspection equipment regardless of the date of purchase.

Section 460.220 Responsibilities of Official Testing Station Owner (Public and Private)

This Section addresses the responsibilities of a Station Owner with respect to such things as the training of employees to become Certified Diesel Emission Testers, the conducting of diesel emission inspections, the maintenance of diesel emission inspection equipment, the repairs of malfunctioning equipment, the payment of money to the Department for the certificate used to validate the diesel emission inspections, the surrendering of a Station's permit for cause, and, finally, for compliance with this Part.

Section 460.230 Responsibilities of Certified Diesel Emission Tester

This Section contains, among other things, the requirements for becoming a Certified Diesel Emission Tester (CDET), including the testing involved for certification and the requirements for maintaining certification as a CDET. Additionally, the responsibilities of the CDET - such as, having sole physical control of the vehicle being tested during the entire diesel emission inspection - are contained in this Section.

Section 460.240 Supervision of Official Testing Station and Enforcement of Department Policies

This Section contains the responsibilities for those individuals authorized by the Department - Vehicle Compliance Inspectors and administrative personnel employed by the Department - to conduct announced and unannounced visits to Stations to monitor and enforce this Part. These responsibilities include such things as reviewing CDET applications, conducting CDET testing, inspecting the building and equipment, closing a Station when diesel emission inspection equipment is inoperative or inaccurate, inspecting forms and validation certificates, and investigating complaints against a Station or CDET. An authorized representative of the Department may also issue warning tickets or citations for violations of 625 ILCS 5/Ch. 13 and this Part. Finally, the Department's representative may require a Station Owner to cease diesel emission inspections upon suspension or revocation of diesel emission inspection testing privileges.

Section 460.250 Diesel Emission Inspection Official Testing Station Equipment, Supplies and Forms

All required diesel emission inspection equipment is on loan to public Official Testing Stations. The equipment is owned by and will remain the property of the Department. The Owner of a public Official Testing

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Station furnished with diesel emission inspection equipment by the Department must sign the "Diesel Emission Inspection Equipment Bailment Agreement" that assigns responsibility for damage or loss of the equipment due to theft, vandalism, fire or other occurrences, including negligent operation of the equipment, to the Station Owner. This Section also covers validation certificates, forms and supplies and the care and responsibility of those items by the Station Owner.

Section 460.300 Vehicle Preparation

Section 460.310 Equipment Set-Up

Section 460.320 Snap-Acceleration Inspection Procedures

Section 460.330 Reporting of Inspection Results

These Sections contain the procedures performed by the CDET in conducting the actual inspection of a diesel-powered vehicle - the Snap-Acceleration Inspection. Provisions concerning vehicle preparation, set-up of the diesel emission inspection equipment, procedures for the execution of the Snap-Acceleration Inspection, and reporting of the inspection results are contained in these Sections.

When a vehicle passes its diesel emission inspection, the results of the inspection will be recorded on the back of a Diesel Emission Inspection Compliance Card (DEICC) and a validation certificate will be attached to the space provided on the card. The DEICC must be kept in the vehicle as proof of compliance.

Section 460.330 also outlines procedures for vehicles that fail to meet minimum cutpoint standards. In this case, a 30-Day Warning Notice card is issued along with an explanation that the vehicle must be repaired and reinspected at the same Station within 30 days for the vehicle will be placed out-of-service. Finally, Section 460.330 also details the responsibilities of the Station Owner with respect to diesel emission inspection printer tapes.

Section 460.400 Rates and Charges

Section 460.410 Rate Change Procedure

The Department has determined that the following rates are just and reasonable and are deemed to be filed by the Station with the Department. These rates may be changed upon application of the Owner of a Station or complaint of any person. Procedures for changing the rates are set out in Section 460.410. The rates are as follows:

Initial Diesel Emission Inspection: \$30

Reinspection - Diesel Emission Inspection: \$25

No other rate or charge will apply.



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Section 460.500 Diesel Emission Inspection 30-Day Warning Notice

This Section further explains the 30-Day Warning Notice mentioned in Section 460.330. Corrections that may be made to improve test results on a vehicle that needs reinspecting are also listed in this Section.

Section 460.510 Diesel Emission Inspection Out-of-Service Order

When a vehicle fails to pass a reinspection within 30 days of receipt of a 30-Day Warning Notice and the Owner has not obtained a waiver in accordance with the requirements under Section 460.600, an out-of-service order will be sent to the company that owns or operates the vehicle. A vehicle remains out-of-service until a diesel emission reinspection is passed or a waiver is obtained.

Section 460.520 Diesel Emission Inspection Enforcement

This Section describes the enforcement of the out-of-service order by the Secretary of State, the Department of State Police and other law enforcement officers during roadside enforcement activities. Operating a vehicle in violation of an out-of-service order is a petty offense punishable by a \$1,000 fine.

Section 460.600 Diesel Emission Inspection Waiver Requirements for Failing Inspection and Reinspection

A Certificate of Waiver for Failing an Inspection and Reinspection will be issued to the owner of a diesel-powered vehicle when the requirements of this Section are met. A waiver will be denied when all of the waiver criteria set forth in this Section have not been met. A Certificate of Waiver must be kept in the vehicle as proof of diesel emission inspection compliance. A Certificate of Waiver does not expire.

Section 460.605 Diesel Emission Inspection Waiver Requirements for an Ungoverned Vehicle

When the owner of a diesel-powered vehicle without a device to govern engine revolutions per minute provides the Department with a letter from the vehicle manufacturer or dealer affirming that the vehicle was manufactured ungoverned, the vehicle will be exempt from meeting the requirements of this Part. The waiver request will be denied without proof in the form of a letter from the vehicle manufacturer that the vehicle was manufactured ungoverned.

Section 460.610 Grievance Procedures

The Department will conduct an investigation upon receiving a petition from any person aggrieved by a decision regarding the failure of a diesel

emission reinspection. A person denied a waiver may also petition the Department for an investigation of that decision. Upon receipt of the grievance by the Department, an investigation is conducted during which the vehicle in question is declared out-of-service. The investigation will be concluded within 45 days and a determination of the correctness or incorrectness of the decision precipitating the grievance will be made. The Department's determination is the final administrative action available to a person filing a grievance.

Section 460.620 Replacement of Diesel Emission Inspection Compliance Card

This Section contains procedures for obtaining a replacement DEICC. Upon adoption of this rulemaking, these rules will replace an emergency rule on diesel emission inspections currently in place.

- 6) Will this proposed rulemaking replace an emergency rule currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking will affect units of local government that operate diesel-powered vehicles registered for a gross weight of more than 16,000 pounds within the affected areas and that are 2 year or older models.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions should be filed with:

By U.S. Mail:

Ms. Cathy Allen  
Regulations Unit  
Illinois Department of Transportation  
Division of Traffic Safety  
P.O. Box 19212  
Springfield, Illinois 62794-9212  
(217) 785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building  
3215 Executive Park Drive

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Commercial Vehicle Safety, 3rd Floor  
Springfield, Illinois

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
2300 South Dirksen Parkway  
Room 311  
Springfield, Illinois 62764  
(217) 782-3215

Comments received within 45 days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking will affect small businesses whose operations are classified as such and who are Intrastate Carriers of Property or Passengers and Interstate Carries of Passengers. Each diesel-powered vehicle that is registered for a gross weight of more than 16,000 pounds, that is registered within the affected area and that is a 2 year or older model year shall be inspected annually for compliance with this Part.

B) Reporting, bookkeeping or other procedures required for compliance: Small businesses that operate Private Diesel Official Testing Stations are required to report to the Department at least one working day before they perform five or more diesel emission inspections in one week. Small businesses are also required to keep the Diesel Emission Inspection Compliance Card (or Certificate of Waiver) in the vehicle to serve as proof of compliance with this Part.

C) Types of professional skills necessary for compliance: No professional skills are necessary for compliance.

13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the Proposed Rules begins on the next page:

## DEPARTMENT OF TRANSPORTATION

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## TITLE 92: TRANSPORTATION

## CHAPTER I: DEPARTMENT OF TRANSPORTATION

## SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)

## PART 460

## DIESEL EMISSION INSPECTION PROGRAM

## SUBPART A: GENERAL

Section	Purpose
460.100	Definitions
460.110	Applicability
460.120	Address for Correspondence
460.130	Incorporation by Reference and Cutoff Standards
460.140	

## SUBPART B: OFFICIAL TESTING STATION REQUIREMENTS FOR DIESEL EMISSION INSPECTIONS

Section	Official Testing Station Requirements
460.200	Private Diesel Official Testing Stations
460.210	Responsibilities of Official Testing Station Owner (Public and Private)
460.220	Responsibilities of Certified Diesel Emission Tester
460.230	Supervision of Official Testing Station and Enforcement of Department Policies
460.240	Diesel Emission Inspection Official Testing Station Equipment, Supplies and Forms
460.250	

## SUBPART C: PROCEDURES FOR PERFORMING THE SNAP-ACCELERATION INSPECTION

Section	Vehicle Preparation
460.300	Equipment Set-Up
460.310	Snap-Acceleration Inspection Procedures
460.320	Reporting of Inspection Results
460.330	

## SUBPART D: LEVEL OF RATES AND CHARGES

Section	Rates and Charges
460.400	Rate Change Procedure
460.410	

## SUBPART E: WARNING NOTICES, OUT-OF-SERVICE ORDER AND ENFORCEMENT

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Section 460.500 Diesel Emission Inspection 30-Day Warning Notice  
460.510 Diesel Emission Inspection Out-of-Service Order  
460.520 Diesel Emission Inspection Enforcement

SUBPART F: WAIVER REQUIREMENTS, GRIEVANCE AND  
REPLACEMENT PROCEDURES

Section 460.600 Diesel Emission Inspection Waiver Requirements for Failing Inspection and Reinspection  
460.605 Diesel Emission Inspection Waiver Requirements for an Ungoverned Vehicle  
460.610 Grievance Procedures  
460.620 Replacement of Diesel Emission Inspection Compliance Card

**AUTHORITY:** Implementing and authorized by Sections 13-109.1 and 13-114 of the Illinois Vehicle Inspection Law [625 ILCS 5/13-109.1 and 13-114]. (See P.A. 91-254 and P.A. 91-865, effective July 1, 2000.)

**SOURCE:** Emergency rules adopted at 24 Ill. Reg. 9970, effective July 1, 2000, for a maximum of 150 days; adopted at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL

**Section 460.100 Purpose**

This Part establishes the requirements and procedures to be followed by an owner/operator of a diesel-powered vehicle registered within an affected area in the State of Illinois that is subject to a diesel emission inspection in accordance with Section 13-109.1 of the Illinois Vehicle Inspection Law (the Law) [625 ILCS 5/13-109.1]. Additionally, inspection, compliance and enforcement procedures are covered by this Part and establish the Diesel Emission Inspection Program.

**Section 460.110 Definitions**

As used in this Part:

*"Affected Areas" means the counties of Cook, DuPage, Lake, Kane, McHenry, Will, Madison, St. Clair, and Monroe and the townships of Aux Sable and Goose Lake in Grundy County and the township of Oswego in Kendall County. [625 ILCS 5/13-100.1]*

*"Applicant" means any individual Owner, partners, authorized agent of a corporation, or lessee applying for an Official Testing Station Permit.*

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*"Authorized Diesel Emission Inspection Equipment" means those testing and measuring devices approved and required by the Department's Commercial Vehicle Safety Section for applicable Official Testing Stations' diesel emission inspection procedures.*

*"Authorized Representative of the Department" means vehicle compliance inspectors and administrative personnel employed by the Illinois Department of Transportation.*

*"Certified Diesel Emission Tester (CDET)" means an individual who is employed at an Official Testing Station and who has passed a written exam and who has demonstrated proficiency by operating and calibrating the authorized diesel emission inspection equipment and who has been issued a certificate by the Department.*

*"Certified Safety Tester (CST)" means an individual who is employed at an Official Testing Station and who has passed a written exam and who has demonstrated proficiency in the operation of authorized safety test equipment and who has been issued a certificate by the Department.*

*"Code" means the Illinois Vehicle Code [625 ILCS 5].*

*"Commercial Vehicle Safety Section (CVSS)" means a section of the Bureau of Safety Programs of the Division of Traffic Safety of the Illinois Department of Transportation.*

*"Cutpoint Standards" means criteria established in the United States Environmental Protection Agency document "Guidance to States on Smoke Opacity Cutpoints to be used with the SAE J1667 In-Use Smoke Test Procedure." (See Section 460.140 for cutpoint standards.)*

*"Department" means the Department of Transportation of the State of Illinois, acting directly or through its authorized agents or officers. [625 ILCS 5/13-100]*

*"Diesel Emission Inspection Certificate of Waiver for Failing Inspection and Reinspection" means a certificate issued in accordance with Section 460.600 of this Part to the owner/operator of a vehicle that has failed a diesel emission inspection and reinspection but who has complied with all applicable waiver requirements in accordance with Section 460.600.*

*"Diesel Emission Inspection Certificate of Waiver for an Ungoverned Vehicle" means a certificate issued in accordance with Section 460.605 of this Part to the owner/operator of a vehicle whose motor was manufactured ungoverned but who has complied with all applicable waiver requirements in accordance with Section 460.605.*

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"Diesel Emission Inspection Compliance Card" means the document presented to the vehicle owner/operator if his/her vehicle passes a diesel emission inspection. The card is validated by the presence of the Validation Certificate that is attached to the card in the form of an adhesive sticker and is required to be present in the cab of the vehicle.

"Diesel Emission Inspection 30-Day Warning Notice" means the document presented to the vehicle owner/operator if the vehicle fails the diesel emission inspection. The vehicle's owner/operator is required to return to the Station within 30 days for a reinspection.

"Diesel Emission Inspection Equipment" means the equipment required to be used by the Certified Diesel Emission Tester to inspect a diesel-powered vehicle and to submit the results of the inspection to the Department. The equipment includes, but is not limited to, the Department-approved smoke opacimeter, a workstation (i.e., laptop computer), and printer tape.

"Diesel Emission Inspection Official Testing Stations" means those Stations located within the affected areas and required to participate in the Diesel Emission Inspection Program.

"Diesel Emission Inspection Supplies (Supplies)" means all items issued to an Official Testing Station by the Commercial Vehicle Safety Section in order to conduct a diesel emission inspection. Items include, but are not limited to, Diesel Emission Inspection Compliance Cards, Diesel Emission Inspection 30-Day Warning Notices, and Validation Certificates. All supplies remain the property of the Commercial Vehicle Safety Section.

"Diesel-Powered Vehicle" or "Diesel Vehicle" means a motor vehicle registered for a gross weight of more than 16,000 pounds, powered by an internal combustion, compression ignition, diesel fueled engine.

"Diesel Smoke" means particles, including aerosols, suspended in the exhaust stream of a diesel engine that absorb, reflect, or refract light.

"Director" means the Director of the Division of Traffic Safety for the Illinois Department of Transportation.

"Division" means the Division of Traffic Safety for the Illinois Department of Transportation.

"Effective Optical Path Length (L)" means the length of the smoke-obscured optical path between the smoke opacimeter light source and detector.

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"Emergency Vehicle" means vehicles of municipal departments or public service corporations that are designated or authorized as such by proper local authorities, including, but not limited to, police vehicles, vehicles of fire departments and ambulances.

"Emission Control Devices" means those components of a vehicle that were designed and are used to control vehicle exhaust and evaporative system emissions. For purposes of this Part, this term refers to components with which the vehicle was originally equipped or direct replacements.

"Gross Weight" means the weight of a vehicle whether operated singly or in combination without load plus weight of the load thereon. [625 ILCS 5/1-125]

"Gross Vehicle Weight Rating (GVWR)" means the value specified by the manufacturer or manufacturers as the maximum loaded weight of a single vehicle. [625 ILCS 5/1-124.5]

"Illinois Vehicle Inspection Law (the Law)" means 625 ILCS 5/Ch. 13.

"Intrastate Carrier of Passengers" means any person engaged in the transportation of passengers solely within Illinois.

"Intrastate Carrier of Property" means any person engaged in the transportation of property solely within Illinois.

"Interstate Carrier of Passengers" means any person engaged in the transportation of passengers between a place in a state and a place outside of such state or between two places in a state through another state or a place outside the United States.

"Manufacturer" (unless otherwise indicated at the point of use) means the person or organization whose name follows "MANUFACTURED BY" or "MFD BY" on the federal certification label.

"Model Year" means the year of manufacture of a vehicle based upon the annual production period of the vehicle as designated by the manufacturer and indicated on the title and registration of the vehicle. If the manufacturer does not designate a production period for the vehicle, then "model year" means the calendar year of manufacture. [625 ILCS 5/1-144.05]

"Non-exempt Vehicle" means any vehicle subject to diesel emission inspections as required by this Part.

"Official Testing Station(s) (the Station)" means all contiguous real and personal property that houses the equipment and supplies relating



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to the diesel emission inspection of vehicles. Official Testing Stations are privately-owned businesses that are regulated by the Department. Official Testing Stations are classified as either public or private. Public Stations are open to the public. Private Stations are established by companies for the purpose of inspecting vehicles owned or operated by the company. Private Stations are not open to the public.

"Official Testing Station Permit (Permit)" means evidence issued by the Commercial Vehicle Safety Section granting the Owner named thereon the privilege of serving as an agent of the State of Illinois within the limitations set forth in Section 13-103 of the Law.

"Opacity (N)" means the percentage of light transmitted from a source that is prevented from reaching a light detector.

"Operated within the Affected Area" means any vehicle that is physically within the affected area at any time, whether stationary or in motion.

"Out-of-Service Order" means a temporary prohibition against driving a commercial motor vehicle. [625 ILCS 5/1-154.5]

"Owner" means any individual, partners, authorized agent of a corporation, lessee, or other person in whose name an Official Testing Station Permit has been issued. Such person(s) is responsible for the lawful operation of the Station's diesel emission inspection program.

"Owner/Operator" means the person who presents the diesel-powered vehicle at the Station for inspection, commonly referred to as the vehicle's driver.

"Part" means the regulations contained in this document that are located at 92 Ill. Adm. Code 460.

"Person" means every natural person, firm, copartnership, association or corporation. [625 ILCS 5/1-159]

"Rate or Charge" means the monetary charge (i.e., \$30) authorized by 625 ILCS 5/13-106 to any person offering a vehicle for a diesel emission inspection pursuant to 625 ILCS 5/13-109.1.

"Recognized Repair Technician" means a person professionally engaged in vehicle repair, employed by a company in operation whose purpose is vehicle repair, or possessing nationally recognized certification for emission related diagnosis and repair.

"Secretary" means the Secretary of the Illinois Department of

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"Smoke Density (K)" means a fundamental means of quantifying the ability of a smoke plume or smoke containing gas sample to obscure light.

"Smoke Opacimeter" means a type of smoke meter designed to measure the opacity of a plume or sample of smoke by means of a light extinction principle.

"Smoke Meter Measurement Zone" means the effective length between the smoke meter light source and the light detector through which exhaust gases pass and interact with the smoke meter light beam.

"Snap-Acceleration Inspection" means the method used to test a diesel-powered vehicle to determine the quality of diesel exhaust fumes being released into the atmosphere.

"Station" means the Official Testing Station.

"Transmittance (T)" means the fraction of light transmitted from a source that reaches a light detector.

"Validation Certificate" means the sticker attached by the CDOT to the Diesel Emission Inspection Compliance Card after the vehicle passes a diesel emission inspection.

## Section 460.120 Applicability

a) Intrastate Carriers of Property or Passengers and Interstate Carriers of Passengers:

Effective July 1, 2000, each diesel-powered vehicle that is registered for a gross weight of more than 16,000 pounds, that is registered within the affected area (as defined in Section 460.110) and that is a 2 year or older model year shall be inspected annually for compliance with this Part. [625 ILCS 5/13-109.1]

b) Diesel-powered vehicles being operated on plates issued pursuant to Section 3-915(c) of the Code (Farm Truck Registration (i.e., license plate)) are exempt from the diesel emission inspection requirements set forth in this Part. [625 ILCS 5/13-109.3]

c) Units of local government within the affected areas, including home rule units, shall not require or conduct a diesel emission inspection program that does not meet or exceed the standards of the diesel emission inspection provided for in this Part. [625 ILCS 5/13-117]

## Section 460.130 Address for Correspondence

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permitted to perform emission inspections as long as the Department still has equipment available. Priority for furnishing equipment will be based upon the date a Station is permitted to perform diesel emission inspections. When the Department's supply of equipment runs out, any Owner of a public Official Testing Station who opens a Station will be required to purchase the equipment necessary for compliance with this Part.

- d) Any private Official Testing Station permitted under Section 13-103 of the Law may conduct diesel emission inspections on its own vehicles in accordance with this Part. A new category of Official Testing Station is established for vehicle owners who want to conduct only diesel emission inspections on their own vehicles. The new category of Station will be referred to as a Private Diesel Official Testing Station (PDOTS). Both categories of private Official Testing Stations will be required to purchase their own diesel emission inspection equipment.
- e) The Official Testing Station (the Station) or the property the Station is located on must be of sufficient size to accommodate a vehicle as large as a tractor trailer combination unit.
- f) Diesel emission inspections may be performed outside the Station on the property where the Station is located.
- g) Those Stations performing diesel emission inspections inside the Station must provide sufficient ventilation to prevent persons from becoming overcome by exhaust fumes.
- h) A working telephone must be located in the Station to electronically transmit diesel emission inspection data to the Department via the Internet.
- i) Public Stations located within the affected areas and permitted to conduct diesel emission inspections must perform a diesel emission inspection for each vehicle presented for such an inspection.
- j) Each Station permitted to perform diesel emission inspections must have at least one Certified Diesel Emission Tester with a current and valid certificate.
- k) No diesel emission inspection shall be conducted unless the Station's permit is valid and designates that the Station provides diesel emission inspections.
- l) All diesel emission inspections shall be conducted on the property identified on the Official Testing Station permit.

## Section 460-210 Private Diesel Official Testing Stations

- a) Private Diesel Official Testing Stations (PDOTS) may be established by persons or municipalities or other governmental entities that own or lease at least 25 diesel-powered vehicles subject to diesel emission inspections.
- b) PDOTS are not open to the public.
- c) PDOTS shall notify the Department by telephone at least one working day prior to performing five or more diesel emission inspections in

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All business and correspondence pertaining to the diesel emission inspection program shall be addressed to:

Illinois Department of Transportation  
Division of Traffic Safety  
Commercial Vehicle Safety Section  
3215 Executive Park Drive  
P.O. Box 19212  
Springfield, Illinois 62794-9212  
(217) 557-6081

## Section 460.140 Incorporation by Reference and Outpoint Standards

The following materials are incorporated by reference as of the edition date provided below. No later amendments to or editions of the following documents are incorporated. Copies of these materials are available for inspection at the Department's Commercial Vehicle Safety Section at the address provided in Section 460.130.

- a) Society of Automotive Engineers (SAE) Recommended Practice J1667 "Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel-Powered Vehicles," revised February 1996.  
The opacity outpoints recommended by this guidance that will be used as a standard for this program shall not exceed: 40% opacity for vehicles model year 1991 and newer; 55% opacity for vehicles model year 1974 to 1990; until December 31, 2002, 70% for vehicles model year 1973 and older, and after January 1, 2003, 55% for vehicles model year 1973 and older.
- b) United States Environmental Protection Agency (USEPA) "Guidance to States on Smoke Opacity Outpoints to be used with the SAE J1667 In-Use Smoke Test Procedure," issued April 1997.

## SUBPART B: OFFICIAL TESTING STATION REQUIREMENTS FOR DIESEL

## EMISSION INSPECTIONS

## Section 460-200 Official Testing Station Requirements

- a) Diesel emission inspections shall be conducted at Official Testing Stations permitted by the Illinois Department of Transportation (the Department). The annual diesel emission inspection may be conducted in conjunction with the annual or semi-annual safety inspections.
- b) This Part establishes the requirements and procedures to be followed by an Official Testing Station in order to implement Section 13-109.1 of the Law [625 ILCS 5/13-109.1].
- c) The Department has purchased enough diesel emission inspection equipment to supply all public Official Testing Stations in the affected areas existing upon the enactment of P.A. 91-254 and P.A. 91-865. That equipment will be furnished by the Department at no charge to any public Official Testing Station at the time it is

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- one week. An authorized representative of the Department may be present at the time of inspection.
- d) PDOTS shall provide, at their own expense, diesel emission inspection equipment approved by the Department.
  - e) The Department shall provide to PDOTS diesel emission inspection supplies necessary to conduct diesel emission inspections. PDOTS must purchase Validation Certificates from the Department for one dollar each.
  - f) PDOTS shall electronically transmit diesel emission inspection data to the Department via the Internet.
  - g) PDOTS shall conduct all diesel emission inspections on the property of the facility to which the Official Testing Station permit is issued.
  - h) PDOTS shall conduct all diesel emission inspections in accordance with this Part.

#### Section 460.220 Responsibilities of Official Testing Station Owner (Public and Private)

- a) The Owner shall require all Certified Diesel Emission Testers (CDET) to comply with this Part.
- b) The Owner of an Official Testing Station shall notify the CVSS in writing when he/she or his/her employees wish(es) to make application to become a CDET. The letter of request must include the Station's phone number and address as well as the applicant's:
  - 1) Full name;
  - 2) Date of birth;
  - 3) Driver's license number; and
  - 4) Photo which measures at least two inches by two inches but no more than three inches by three inches.
- c) The Owner is responsible for the training of employees on the equipment and inspection procedures before the employee is tested by an authorized representative of the Department to become a CDET.
- d) The Owner shall notify the CVSS as soon as he/she is aware that neither he/she nor any of his/her employees are eligible to conduct diesel emission inspections, e.g., when a CDET is no longer employed at the Station. Failure to have at least one employee who is certified to conduct diesel emission inspections automatically suspends the Official Testing Station's diesel emission inspection permit until such time as the Owner or an employee becomes certified to conduct diesel emission inspections.
- e) The Owner shall notify the CVSS as soon as he/she is aware that his/her Official Testing Station is not eligible to conduct diesel emission inspections, e.g., the Station is closed for vacation. If the Official Testing Station is not eligible to conduct diesel emission inspections for more than 30 days, an authorized representative of the Department must approve resumption of the diesel emission inspection program.
- f) The Owner is responsible for maintaining the equipment in proper

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- calibration and for maintaining the Station in proper condition as required by 92 Ill. Adm. Code 451. After the diesel emission inspection equipment's warranty and maintenance program expires, the Owner is responsible for maintaining the diesel emission inspection equipment in proper working order.
- g) It shall be the Owner's responsibility to cease conducting diesel emission inspections when any piece of that equipment malfunctions.
    - 1) Equipment malfunctions and subsequent closure shall be reported to the CVSS as soon as the Owner is aware of the malfunction.
    - 2) Diesel emission inspections shall not be resumed until repairs are completed and approval is secured from an authorized representative of the Department. An authorized representative of the Department will confirm that the diesel emission inspection equipment is working in accordance with the manufacturer's specifications.
  - h) It shall be the Owner's responsibility to maintain a quantity of diesel emission inspection supplies to accommodate vehicles presented for original inspection or retuned for reinspection. If a Station does not have a quantity of diesel emission inspection supplies to issue to a vehicle returning for a reinspection, the inspection fee shall be refunded to the vehicle owner/operator.
    - i) The Owner shall be responsible for the proper security and handling of the diesel emission inspection supplies.
    - j) It shall be the Owner's responsibility to immediately notify the CVSS of any change in diesel emission inspection equipment.
    - k) It shall be the Owner's responsibility to provide funds to the Department to cover the cost of Validation Certificates to perform diesel emission inspections (i.e., one dollar per Certificate), either through transmittal of appropriate funds or through use of a previously established credit balance. These procedures are currently in operation according to 92 Ill. Adm. Code 451.140.
    - l) Validation Certificate fees shall be paid to: TREASURER, STATE OF ILLINOIS, by the Station for each Certificate issued. The Station shall only charge the authorized fee when issuing a Certificate (i.e., one dollar). The authorized fee for the Validation Certificate is included in the rates or charges established in Section 460.400.
    - m) If an Official Testing Station Permit is suspended or revoked pursuant to Section 460.240(p), performance of any and all diesel emission inspection activities shall be prohibited for the duration of the suspension or revocation. It shall be the Owner's responsibility to surrender the Station permit and diesel emission inspection equipment and supplies as requested by an authorized representative of the Department on the date the suspension begins. The Owner shall be responsible for making certain all employees honor the terms of the suspension or revocation.
    - n) It shall be the Owner's responsibility to see that all diesel emission inspections are conducted in accordance with this Part.

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**Section 460.230 Responsibilities of Certified Diesel Emission Tester**

- a) Persons interested in becoming a Certified Diesel Emission Tester (CDET) must meet the following requirements:
  - 1) Be at least eighteen years of age; and
  - 2) Possess a valid driver's license.
- b) Every applicant must accomplish the following before certification as a CDET to conduct diesel emission inspections is awarded:
  - 1) Pass a written test based on this Part with a passing score of at least 70%.
  - 2) Demonstrate proficiency by properly operating and calibrating the diesel emission inspection equipment at the Station where employed.
- c) The Station Owner may request retesting of a CDET applicant who failed the initial examination.
  - 1) A person who failed any part of the initial examination shall wait a period of 15 days before reapplying.
  - 2) A person who fails a second time shall wait a period of 30 days before reapplying.
  - 3) After three failures within one 12 month period, a person is not eligible to take the examination for a period of one year from the date of the last failure.
- d) A CDET shall conduct a minimum of ten percent of the Station's diesel emission inspections during any calendar year or may be required to successfully pass the written and proficiency examinations to maintain certification. (See subsection (b) of this Section for examination standards.)
- e) If the Official Testing Station where a CDET is employed changes diesel emission inspection equipment, the CDET shall be required to demonstrate proficiency by operating and calibrating the new inspection equipment.
- f) If a CDET leaves the employ of one Official Testing Station and is subsequently hired by another, the latter employer shall request in writing to the Department a transfer of the CDET's certification.
  - 1) The CVSS may require the CDET to pass the written and proficiency examinations before the certificate is transferred. (See subsection (b) of this Section for examination standards.)
  - 2) Both tests shall be administered if the lapse in employment at Official Testing Stations exceeds 30 days.
- g) The CDET's certificate remains the property of the CVSS and shall be immediately returned to the CVSS or authorized personnel of the Department if the CDET ceases inspecting vehicles or ceases to be employed by the Official Testing Station; or if the certificate is suspended, canceled or revoked; or if the CDET fails to maintain his certification; or if the CDET's driver's license is expired, canceled, suspended or revoked.
- h) The diesel emission inspection privileges granted by the CDET's certificate shall be subject to cancellation, suspension or revocation

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- by the Department for any violation of this Part. (See 625 ILCS 5/13-108 and 92 Ill. Adm. Code 450 regarding administrative hearings.)
- i) If a CDET's certificate has been suspended for 90 days or more or canceled, the CVSS will require that the CDET pass the written and proficiency examinations prior to recertification.
- j) If an Official Testing Station is inoperative for a period of six months or more, all CDET certificates shall be canceled. Any former CDET shall be required to be reexamined before a certificate is issued.
- k) Failure of a CDET to pass either the proficiency or written portion of any test shall automatically cancel his/her certification.
- l) Refusal of a CDET to submit to retesting shall automatically cancel his/her certification and his/her certificate shall be immediately surrendered to an authorized representative of the Department.
- m) No person shall perform a diesel emission inspection unless that person has been certified as a CDET by the CVSS and that person has been issued a valid certificate by the CVSS. The certificate shall be displayed at the Official Testing Station where the CDET is employed.
- n) The CDET shall perform the diesel emission inspection according to procedures established in this Part.
- o) The CDET shall have sole physical control of the vehicle being tested during the entire diesel emission inspection.
- p) The CDET shall be responsible for documenting all diesel emission inspection results in the manner prescribed in Section 460.330.
- q) The CDET who performed the original diesel emission inspection or reinspection shall affix the Validation Certificate to the Diesel Emission Inspection Compliance Card as prescribed in Section 460.330. The Validation Certificate shall be affixed only if the vehicle inspected equals or exceeds all of the requirements of this Part.
- r) The CDET shall not accept any gratuity from any person for or in connection with an official diesel emission inspection or for the issuance or giving of proof of a diesel emission inspection.

**Section 460.240 Supervision of Official Testing Station and Enforcement of Department Policies**

During both announced and unannounced visits, authorized representatives of the Department (as defined in Section 460.110) have the responsibility:

- a) To monitor Official Testing Stations and to enforce this Part.
- b) To review and approve applications for Official Testing Station permits and Certified Diesel Emission Tester (CDET) certificates.
- c) To conduct written and proficiency tests for persons applying to become a CDET. (See Section 460.230 for testing standards and procedures.) To conduct tests for persons who have been requested by the Department to be retested, e.g., not performing a minimum of 10% of diesel emission inspections annually.
- d) To inspect building, equipment and adjacent roadway or alleys for compliance with Official Testing Station requirements or any



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conditions that affect the entrance and exit of vehicles. (See 92 Ill. Adm. Code 451.110(b) for Official Testing Station classification requirements.)

- e) To inspect diesel emission inspection equipment for cleanliness, operability and accuracy.
- f) To require the Owner to cease performing diesel emission inspections when diesel emission inspection equipment is totally or partially inoperative or inaccurate.

- 1) All diesel emission inspection supplies at the Official Testing Station will be removed and held by an authorized representative of the Department or the Commercial Vehicle Safety Section until the diesel emission inspection equipment has been cleaned, adjusted or repaired so as to render accurate results.

- 2) An authorized representative of the Department will approve the condition of the equipment (i.e., operating efficiently and effectively) before the Station may reopen for diesel emission inspections.

- g) To instruct Official Testing Station Owners and CDET in the proper method of completing forms and reports used in diesel emission inspection procedures.

- h) To inspect forms required to be posted, completed and filed for cleanliness, legibility, and accuracy.

- i) To determine whether diesel emission inspections are performed in accordance with this Part.

- j) To have access to all records and supplies that are the property of and furnished by the Department.

- k) To inspect the Station's copy of this Part for completeness and availability.

- l) To inspect printer tapes generated during diesel emission inspections for accuracy, completeness, legibility and proper filing order.

- m) To inspect Validation Certificates at the Station for numerical sequence and storage security. To check the Station Owner's method of accountability for all diesel emission inspection supplies issued to the Station.

- n) To investigate all complaints lodged against an Official Testing Station or a CDET. [625 ILCS 5/13-107]

- o) To monitor Official Testing Station procedures used in conducting diesel emission inspections through the use of both official marked and unmarked vehicles. Monitoring conducted in marked State vehicles includes unannounced routine visits by area inspectors to check records for proper filing and completion and diesel emission inspection equipment for proper calibration and operation, and to administer tests to prospective CDETs or those CDETs required to be retested as authorized by Section 13-105 of the Law [625 ILCS 5/13-105]. Monitoring conducted in unmarked vehicles includes unannounced investigations by Department personnel to determine if Official Testing Stations are performing diesel emission inspections in accordance with this Part as authorized by Section 13-107 of the

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Law [625 ILCS 5/13-107].

- p) To ensure compliance with goals for this program by issuing warning tickets or citations/complaints to Official Testing Station permit holders and their employees for alleged infractions of 625 ILCS 5/Ch. 13 and this Part. The charges as outlined in the citation(s) will be adjudicated at an administrative hearing (see 625 ILCS 5/13-108 and 92 Ill. Adm. Code 450). The Secretary will determine whether the Station has committed a violation after careful evaluation of the evidence presented at such hearing. If a determination of a violation is made, the Secretary will assess penalties for violations alleged on the citation/complaints. (See 92 Ill. Adm. Code 451.70(j) for penalty guidelines.)

- q) To require that the Owner cease diesel emission inspections and reinspections upon suspension or revocation of diesel emission inspection testing privileges, as outlined in subsection (p) of this Section. Permit(s) and diesel emission inspection supplies will be removed from the facility for the period of suspension or permanently upon revocation.

### Section 460.250 Diesel Emission Inspection Official Testing Station Equipment, Supplies and Forms

- a) All required diesel emission inspection equipment furnished to public Official Testing Stations by the Department will remain the property of the Department.

- b) The Owner of a public Official Testing Station furnished with diesel emission inspection equipment by the Department shall sign a "Diesel Emission Inspection Equipment Bailment Agreement" that includes, but is not limited to, a statement that the Station is responsible for damage or loss of the equipment due to theft, vandalism, fire or other occurrences, including negligent operation of the equipment or failure to perform routine maintenance on the equipment. The Station will also pay for insurance, if any, for the equipment. The Bailment Agreement will also serve as a receipt for the equipment when it is delivered to the Station by an authorized representative of the Department.

- c) All required forms and supplies will remain the property of the Department.

- d) All forms, supplies and completed printer tapes (see Section 460.330(e)) shall be kept in a secure place within the Official Testing Station.

- e) Diesel emission inspection supplies, as defined in Section 460.110, shall be available for inspection by an authorized representative of the Department any time during the hours listed in 92 Ill. Adm. Code 451.70(1)(1)(B).

- f) Validation Certificates, as defined in Section 460.110, shall be stored in a locked safe or other locked place within the Station.

- g) Upon request by the Department, all diesel emission inspection

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equipment and supplies, as defined in Section 460.110, furnished by the Department, will be surrendered immediately to an authorized representative of the Department when the Station is either temporarily or permanently closed.

- b) It shall be the Owner's responsibility to maintain a sufficient amount of supplies, as defined in Section 460.110, needed in the operation of the diesel emission inspection program. These supplies may be obtained from the CVSS by submitting the diesel emission inspection requisition form. It shall be the Owner's responsibility to make sure his/her employees utilize the proper supplies.

#### SUBPART C: PROCEDURES FOR PERFORMING THE SNAP-ACCELERATION INSPECTION

##### Section 460.300 Vehicle Preparation

AGENCY NOTE: The procedure for a snap-acceleration inspection is established in accordance with SAE J1667 and consists of Sections 460.300 through 460.330. Prior to conducting the snap-acceleration test, the following procedures must be completed by the Certified Diesel Emission Tester (CDET):

- a) Set parking brake.
- b) Chock the wheels.
- c) Manual transmissions shall be placed in neutral. Automatic transmissions shall be placed in park, if available, or neutral if park is not available.
- d) Deactivate any device that may alter normal acceleration, i.e. air-conditioning or engine brake.
- e) Slowly accelerate the vehicle toward its maximum governed speed. Note any audible or visual indications that the engine is not mechanically sound. If there are no indications of problems, allow the engine to accelerate to a point where it becomes apparent that the governor is functioning properly. If it becomes apparent that the governor is not functioning properly, release the accelerator and stop the inspection. If the vehicle's engine is governed and not functioning properly, the governor must be adjusted or repaired in accordance with the vehicle's manufacturer specifications before the snap-acceleration inspection is performed. If the vehicle was manufactured without a governor, the procedure to obtain a Diesel Emission Inspection Certificate of Waiver for an Ungoverned Vehicle must be initiated (see Section 460.605).
- f) Inspect the vehicle's exhaust system for leaks. If exhaust leaks are found, stop the inspection until all exhaust leaks have been repaired.

##### Section 460.310 Equipment Set-Up

- a) Diesel emission inspection Official Testing Stations must be equipped with diesel emission inspection equipment approved by the Department. After taking open competitive bids, the Department has approved the Smoke Check 1667 manufactured by Red Mountain Engineering. The

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Department will only approve other equipment that is capable of performing the snap-acceleration inspection as described in Section 460.320, of reporting the inspection results as described in Section 460.330, and of interfacing with the Department's electronic information processing system.

- b) The following procedures coincide with prompts that are displayed on the Smoke Check 1667, manufactured by Red Mountain Engineering, Inc:
  - 1) The user of the Smoke Check 1667 shall enter data as prompted.
  - 2) The following is a summary of those prompts:

- A) Enter 1 for Test Menu.
- B) Enter 1 for Enter User Data.
- C) Enter the Vehicle Identification Number (VIN) of the vehicle being tested.
- D) Enter year and make of vehicle.
- E) Enter year of engine.
  - i) Must be 4 digits.
  - ii) Engine year will normally be found on a tag or label located on the engine.
  - iii) If engine year is unknown, enter year of vehicle.
- F) Enter vehicle mileage as shown on the odometer.
- G) Enter engine manufacturer.
  - i) Examples include: International, Caterpillar, Cummins, Ford, G.M.C., Deere, etc.
  - ii) If engine manufacturer is unknown, enter make of vehicle.
- H) Enter engine horsepower or stack size.
  - i) Should be located on a tag or label on the engine.
  - ii) If engine horsepower is unknown, press "ENTER" and proceed to next step.
- I) Enter the diameter of the stack or tailpipe discharge end in inches. (If horsepower is entered, this prompt will not appear.)
  - J) Enter diesel emission inspector's name.
    - i) Enter last name only.
    - ii) When two or more CDETs are employed who have the same last name, enter both the first and last name.
  - K) Enter "2" to Begin Testing.
  - L) Enter "1" for OK. (If visual inspection reveals a problem as stated in Section 460.300, DO NOT PROCEED WITH THE INSPECTION. The vehicle is rejected.)
  - M) Enter "y" to "Perform Cleanup Snaps."
  - N) Enter "y" to "Is the Sensor Out Of The Stack?" (Sensor should not yet be in the stack or tailpipe.)
  - O) Smoke meter will now self zero.
  - P) Place sensor in the stack or tailpipe. Press any key.
  - Q) Press any key.
  - R) Perform the three cleanup snaps as prompted by the smoke meter.

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- i) Press F4 to complete each of the three cleanout snaps.
- ii) "Wait" will appear between snaps 1 and 2, then 2 and 3. Do not continue until "Wait" disappears.
- S) Perform the three official opacity tests as prompted.
  - i) Push F4 to complete each of the three official snaps.
  - ii) "Wait" will appear between snaps 1 and 2, then 2 and 3. Do not continue until "Wait" disappears.
- T) Remove the sensor from the stack or tailpipe. Press any key to continue.
- U) Smokemeter will self zero.
- V) Smokemeter will indicate that the post-test zero check passed. If "Test is Valid" is displayed, press any key to continue.
- W) When "Test is Valid" is displayed, press F5 to print results.
  - i) Tests will register valid when minimum output standards are met.
  - ii) Test results must be within 5% to be valid.
- X) Enter "Y" to save data.
  - i) Smokemeter will store up to 100 tests.
  - ii) Tests will periodically be downloaded into a work station.
- Y) Enter "Y" to Print Test.
- Z) Enter "N" to Print Test Again, unless a second copy of the printed test results is desired.
  - AA) If test was valid, enter "N" to re-test same vehicle.
    - i) If test was invalid, press "I" and start over at subsection (b)(2)(M) above.
  - ii) All information previously entered will be retained except engine year and horsepower or stack. These must be reentered.

AGENCY NOTE: When the Department approves other diesel emission inspection equipment, this Part will be amended to include procedures that will coincide with prompts for that equipment.

## Section 460.320 Snap-Acceleration Inspection Procedures

With the vehicle prepared as described in Section 460.300 and the equipment set up as described in Section 460.310, the snap-acceleration inspection shall be executed as follows:

- a) With the engine at normal operating temperature and at low idle speed, the CDET shall move the accelerator to the fully opened position as quickly as possible.
- b) The CDET shall hold the accelerator in the fully opened position until the engine reaches its maximum governed speed, plus an additional 1 to 4 seconds, or as prompted by the display on the smoke opacimeter.
- c) After completing the snap-acceleration of the engine operating at maximum governed speed for 1 to 4 seconds, the CDET shall release the

- d) Allow the engine to return to low idle speed.
- e) Repeat steps (a) through (d) two additional times, for a total of three snap-acceleration cycles.
- f) These three snap-accelerations are preliminary cycles that allow CDETs to become familiar with the engine's acceleration and also remove loose soot from the vehicle exhaust system. The three preliminary cycles can also be used to check for proper operation of the smoke opacimeter.
- g) Within 2 minutes after the preliminary snap-acceleration cycles or as prompted by the smoke opacimeter, the CDET shall execute three snap-accelerations in the same manner as described in subsections (a) through (d) of this Section for the preliminary acceleration cycles.
- h) The percentage of opacity for the three snap-accelerations must be within 5% of each other for the inspection to be valid.
- i) If the smoke opacimeter display announces a valid inspection, document the inspection results as instructed in Section 460.330, Reporting of Inspection Results.
- j) If the test was invalid due to readings that varied by more than 5% or any other condition that would render the inspection invalid, repeat the entire inspection as outlined in Subpart C of this Part.

## Section 460.330 Reporting of Inspection Results

- a) The owner/operator of each vehicle presented for a diesel emission inspection shall provide a registration card, title or bill of sale that displays the vehicle identification number (VIN) and the owner/operator's name and address.
- b) The CDET shall compare the VIN displayed on the registration card, title or bill of sale to the actual VIN on the vehicle being presented for a diesel emission inspection to determine that the document provided accurately identifies the vehicle presented.
- c) The following procedures apply only to vehicles that pass the diesel emission inspection by meeting minimum output standards:
  - 1) The following information shall be written on the back of the Diesel Emission Inspection Compliance Card (DEICC) in the space provided:
    - A) Date of inspection
    - B) Official Testing Station number
    - C) Vehicle Identification Number (VIN)
    - D) License plate number
      - i) If license plate is applied for, write: "applied for",
      - ii) If no license plate or registration has been applied for, write: "none".
    - E) Write the average opacity reading indicated on the printer tape generated during the inspection.

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- F) The CDET who performs the diesel emission inspection shall sign the DEICC.
- G) A Validation Certificate shall be attached in the space provided. The DEICC is not valid as proof of compliance unless the Validation Certificate is attached.
- 2) The DEICC shall be presented to the vehicle owner/operator with the explanation that the DEICC must be kept in the vehicle as proof of diesel emission inspection compliance.
- d) The following procedures apply only to vehicles that fail to meet minimum cutpoint standards.
- 1) The following information shall be written on the back of the 30-Day Warning Notice Card in the space provided:
    - A) Date of inspection
    - B) Official Testing Station number
    - C) Vehicle Identification Number (VIN)
    - D) License plate number
  - i) If license plate is applied for, write: "applied for."

- j) If no license plate or registration has been applied for, write: "none."
- E) Write the average opacity reading indicated on the printer tape generated during the inspection.

- F) The CDET that performs the diesel emission inspection shall sign the 30-Day Warning Notice Card.

- 2) The 30-Day Warning Notice Card shall be presented to the vehicle owner/operator with the explanation that the vehicle has failed to meet minimum opacity standards. The vehicle must be repaired and pass a diesel emission reinspection at the same Official Testing Station within 30 days after receipt of the 30-day Warning Notice Card or the Department will render the vehicle out-of-service.

- e) The following procedures are the responsibility of the Owner and apply to all vehicles for which a diesel emission inspection was completed.

- 1) The printer tapes generated during the diesel emission inspection shall be bundled together at the end of each day.
- 2) The top printer tape in each bundle shall be clearly marked in ink with the appropriate date.
- 3) Each daily printer tape bundle shall be placed in a file marked with each appropriate month.
- 4) Diesel emission inspection printer tapes shall be retained at the Official Testing Station in monthly files for a period of two years, after which they may be destroyed.
- 5) Diesel emission inspection printer tapes remain the property of the Department and must be accessible upon demand.
- 6) Diesel emission inspection results will be transmitted to the Department via the Internet.

SUBPART D: LEVEL OF RATES AND CHARGES

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## Section 460.400 Rates and Charges

- a) Any and all rates or charges made by the Owner of an Official Testing Station for performing a diesel emission inspection shall be approved by the Department and shall be just and reasonable.
- b) A rate or charge is "just and reasonable" if it is the same, or nearly the same, as the prevailing rate or charge for the same, or similar test made in the community where the Official Testing Station is located. [625 ILCS 5/13-106]
- c) The following rates or charges for an annual diesel emission inspection or reinspection have been determined by the Department to be prima facie just and reasonable rates or charges. These rates were established by the Department based on the shop rate, Journeyman mechanic's hourly wage and the CDET hourly wage at Official Testing Stations in the affected areas.
  - 1) Annual Diesel Emission Inspection - Initial Inspection: \$30
  - 2) Annual Diesel Emission Inspection - Reinspection(s): \$25
- d) No Owner of a Station shall charge any rate or charge or schedule of rates or charges unless that charge has been made in accordance with this Part.

## Section 460.410 Rate Change Procedure

- a) The rates established by the Department in Section 460.400 are deemed to be filed by the Station with the Department, and may be changed upon application of the Owner of a Station or complaint of any person. An application for a change of rate will be approved or disapproved within five business days by the Commercial Vehicle Safety Section, and the Owner will be notified in writing within 10 days after the application. If an application for a rate is approved, the rate shall become effective upon posting at the Station by the Commercial Vehicle Safety Section. If an application for a proposed rate is disapproved by the Department, an applicant may appeal the disapproval to the Director under 92 Ill. Adm. Code 454.260. The procedure in Part 454 will be used to determine if a disapproved rate or a rate contested by any person is just and reasonable. For purposes of this procedure, any reference to "rate" or "charge" in Part 454 is deemed to refer to a "rate" or "charge" for a diesel emission test at a Station in an affected area. As the Department has determined a just and reasonable initial rate in Section 460.400, the procedure in 92 Ill. Adm. Code 454.210 for initial rates will not be followed.
- b) The following criteria will be used to evaluate rates to determine if a rate is just and reasonable:
  - 1) The Official Testing Station's labor (or shop) rate in comparison to those in the community of the Station;
  - 2) Its Journeyman mechanic's hourly wages in comparison to those in the community of the Station; and
  - 3) CDET hourly rates at the Station in comparison to those in the



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community of the Station.

## SUBPART E: WARNING NOTICES, OUT-OF-SERVICE ORDER AND ENFORCEMENT

**Section 460-500 Diesel Emission Inspection 30-Day Warning Notice**

- a) If an annual diesel emission inspection reveals that a vehicle is not in compliance with this Part, the owner of the Station or the CDET shall issue a warning notice requiring correction of the violation. [625 ILCS 5/13-109.1] The warning notice shall be in the form of a Diesel Emission Inspection 30-Day Warning Notice, as defined in Section 460.110.
- b) Corrections shall be made and the vehicle submitted to an emission reinspection at the same Station that previously issued the warning notice within 30 days from the issuance of the warning notice requiring correction of the violation. [625 ILCS 5/13-109.1]
- c) Examples of basic corrections that will improve diesel emission smoke include, but are not limited to, the following:
  - 1) Replace air filter element, if needed;
  - 2) Check and adjust emission control equipment;
  - 3) Check oil level and ensure correct type recommended for your engine;
  - 4) Tune up, adjust timing, set valve clearance, rack travel, etc.;
  - 5) Ensure correct operation of cooling system;
  - 6) Repair restricted/dented exhaust system; and/or
  - 7) Ensure good grade of fuel.

**Section 460-510 Diesel Emission Inspection Out-of-Service Order**

- a) If a vehicle has not passed a diesel emission reinspection within 30 days from the receipt of a 30-Day Warning Notice or has not obtained a waiver as prescribed in Section 460-600, the Department shall issue an Out-of-Service Order via certified mail to the person(s) or company owning or operating the vehicle in violation of this Part.
- b) The Out-of-Service Order contains information identifying the owner/operator of the vehicle, information identifying the specific vehicle being placed out-of-service, the reason for the Order, the consequence for operating a vehicle that has been declared out-of-service, and a requirement that the vehicle pass a diesel emission reinspection before it may be returned to service.
- c) The vehicle will remain out-of-service until the vehicle passes a diesel emission reinspection or the vehicle's owner/operator obtains a waiver as prescribed in Section 460-600.

**Section 460-520 Diesel Emission Inspection Enforcement**

- a) Operating a vehicle in violation of an Out-of-Service Order is a petty

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offense punishable by a \$1,000 fine.

- b) No emergency vehicle may be placed out-of-service.
- c) The Secretary of State, Department of State Police and other law enforcement officers shall enforce this Section. [625 ILCS 5/13-109.1] The vehicle's owner/operator may be required to present the DPICC to the Secretary of State before obtaining annual registration for the vehicle. The Department of State Police and other law enforcement officers may enforce this Section during routine roadside enforcement activities.

## SUBPART F: WAIVER REQUIREMENTS, GRIEVANCE AND REPLACEMENT PROCEDURES

**Section 460-600 Diesel Emission Inspection Waiver Requirements for Failing Inspection and Reinspection**

- a) A Diesel Emission Inspection Certificate of Waiver for Failing Inspection and Reinspection shall be issued by the Department for a diesel-powered vehicle to its owner/operator who demonstrates that the vehicle meets the applicable waiver requirements of subsection (b) of this Section.
- b) A vehicle subject to inspection under this Part that has failed a diesel emission inspection and reinspection shall be eligible for a waiver from meeting the diesel emission requirements of this Part upon proof to the Department of compliance with all of the following:
  - 1) After failing an initial inspection and reinspection, the vehicle has failed to achieve compliance with the applicable vehicle diesel emission inspection standards set forth in this Part.
  - 2) A minimum expenditure of \$3,000 in diesel emission related repairs, exclusive of tampering-related repairs, has been made. [625 ILCS 5/13-109.1]
  - 3) The vehicle has received all repairs and adjustments for which it is eligible under any diesel emission performance warranty provisions.
  - 4) The vehicle owner/operator certifies to the Department that the diesel emission control devices are present and appear to be properly connected and operating.
  - 5) Repairs are conducted by a recognized repair technician, as defined in Section 460.110.
  - 6) Evidence of repair is presented to the Department consisting of signed and dated receipts identifying the vehicle and describing the work performed and amount charged for eligible diesel emission-related repairs.
- c) If the Department determines that an applicant for a waiver has not complied with all applicable waiver criteria set forth in subsection (b) of this Section, the waiver request will be denied. The Department will provide to the applicant a written statement via U.S. mail containing the reason for the denial.

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- c) The Secretary or the Secretary's designee will appoint a Department employee to investigate every grievance submitted to the Department in accordance with this Part. The vehicle is declared out-of-service during the duration of the investigation.
- d) The Department's investigation will be concluded within 45 days after the receipt of the grievance by the Department.
- e) Within the 45-day investigation period, the Department will issue written notification to the petitioner and the Official Testing Station, if applicable, indicating the Department's determination as to the correctness or incorrectness of the decision that precipitated the grievance.
- f) The Department's written notification will include a statement of the facts relied upon and technical issues decided by the Department in making its determination. The Department's determination is considered administratively final.

**Section 460.620 Replacement of Diesel Emission Inspection Compliance Card**

- a) A replacement Diesel Emission Inspection Compliance Card may be obtained by submitting a written request for a replacement card along with a check or money order in the amount of \$5 made payable to: Treasurer, State of Illinois. No cash will be accepted.
- b) The written request must contain general information about the vehicle (i.e., VIN, make, model and year), as well as a contact person's name, address, and telephone number. The replacement Diesel Emission Inspection Compliance Card will expire on the same date the original card was scheduled to expire.
- c) All replacement requests shall be submitted to:

Illinois Department of Transportation  
 Diesel Emission Inspections  
 P.O. Box 19212  
 Springfield, Illinois 62794-9212

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- d) If the Department determines that an applicant for a waiver has complied with all waiver criteria set forth in subsection (b) of this Section, the waiver shall be issued. The Department shall provide the applicant a Diesel Emission Inspection Certificate of Waiver for Failing Inspection and Reinspection via U.S. mail containing a description of the vehicle, including the manufacturer's vehicle identification number, and the issuance date of the waiver. The Certificate of Waiver must be kept in the vehicle as proof of diesel emission inspection compliance. Certificates of Waiver do not expire.

**Section 460.605 Diesel Emission Inspection Waiver Requirements for an Ungoverned Vehicle**

- a) The owner/operator of a diesel-powered vehicle subject to this Part that was manufactured without a device to govern engine revolutions per minute (RPM) shall be eligible for a Diesel Emission Inspection Certificate of Waiver for an Ungoverned Vehicle. The diesel-powered vehicle will be exempt from meeting the diesel emission requirements of 625 ILCS 5/13-109.1 upon receipt by the Department of a letter from the vehicle manufacturer or dealer affirming that the vehicle was manufactured ungoverned. The letter must be on paper bearing the letterhead of the manufacturer or dealer of the vehicle in question.
- b) If the Department determines that an applicant for a waiver has not complied with the waiver criterion set forth in subsection (a) of this Section, the waiver request will be denied. The Department will provide to the applicant a written statement via U.S. mail containing the reason for the denial.
- c) If the Department determines that an applicant for a waiver has complied with the waiver criterion set forth in subsection (a) of this Section, the waiver shall be issued. The Department shall provide the applicant a Diesel Emission Inspection Certificate of Waiver for an Ungoverned Vehicle via U.S. mail containing a description of the vehicle, including the manufacturer's vehicle identification number and the issuance date of the waiver. The Certificate of Waiver must be kept in the vehicle as proof of diesel emission inspection compliance. Certificates of Waiver do not expire.

**Section 460.610 Grievance Procedures**

- a) Any person aggrieved by a decision regarding the failure of a diesel emission reinspection at a Station or the denial of a waiver from the Department may petition the Department, which will investigate the matter.
- b) Grievances shall be filed in writing with the Department no more than 30 days after the decision made by the Department. The grievance shall contain the reason for the grievance; general information about the vehicle (i.e., make, model, and year); and a contact person's name, address and telephone number.

## DEPARTMENT OF VETERANS' AFFAIRS

## NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Rules Governing the Board of Appeals

- 2) Code Citation: 95 Ill. Adm. Code 113

- 3) Section Number: Proposed Action:

113.10 Repeal  
113.20 Repeal  
113.30 Repeal  
113.40 Repeal  
113.50 Repeal

- 4) Statutory Authority: 20 ILCS 2805/2(9)

- 5) A. Complete Description of the Subjects and Issues Involved: No appeals presented in the last 8 years or more. Director and his staff handle appeals. Board appointed at the Director's discretion.

- 6) Will this proposed repealer replace any emergency repealer in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed repealer contain incorporations by reference? No

- 9) Are there any other proposed repealer pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking neither creates nor expands a state mandate.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Please mail written comments to the attention of:

Richard A. Luttrell  
833 S. Spring Street - PO Box 19432  
Springfield IL 62794-9432  
(217) 785-6083

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None

- B) Reporting, bookkeeping or other procedures required for compliance: None

- C) Copies of professional skills necessary for compliance: None

- 13) Regulatory agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because it was not

anticipated.

## DEPARTMENT OF VETERANS' AFFAIRS

## NOTICE OF PROPOSED REPEALER

## DEPARTMENT OF VETERANS' AFFAIRS

## NOTICE OF PROPOSED REPEALER

TITLE 95: VETERANS AND MILITARY AFFAIRS  
CHAPTER I: DEPARTMENT OF VETERANS' AFFAIRS

## PART 113

## RULES GOVERNING THE BOARD OF APPEALS (REPEALED)

## Section

- 113.10 Formation of the Board of Appeals
- 113.20 Consideration of Appeals
- 113.30 Consideration of Appeals for Disallowed Applications
- 113.40 Membership of the Board of Appeals
- 113.50 Meetings of the Board of Appeals

AUTHORITY: Implementing and authorized by Section 2(9) of "AN ACT creating the Illinois Department of Veterans' Affairs" (Ill. Rev. Stat. 1979, ch. 126 1/2, par. 67(9)).

SOURCE: Filed and effective December 15, 1977; amended at 5 Ill. Reg. 3017, effective March 10, 1981; codified at 6 Ill. Reg. 8429; repealed at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 113.10 Formation of the Board of Appeals

The Director of the Department of Veterans' Affairs shall cause the Board of Appeals to be formed to adjudicate all appeals of administrative decisions made by the Department personnel in the administration of the grant and benefit programs.

## Section 113.20 Consideration of Appeals

The Board of Appeals shall consider the Appeals indicated for the following programs administered by the Department:

- a) Viet Nam Veterans' Compensation
- b) Viet Nam Prisoner of War Compensation
- c) World War II Compensation Program
- d) Korean Veterans' Compensation Program
- e) Veterans Scholarship
- f) Specially Adapted Housing Grant Program
- g) MIA/POW Scholarship Program

## Section 113.30 Consideration of Appeals for Disallowed Applications

The Board of Appeals shall consider all appeals requested by those whose case or application has been disallowed or those instances where the appeal has been made by reason of disagreement with the selection of beneficiaries, or the distribution of beneficiary funds or any questionable claims, referred to the Board for adjudication.

## DEPARTMENT OF VETERANS' AFFAIRS

## NOTICE OF PROPOSED REPEALER

## Section 113.40 Membership of the Board of Appeals

The membership of the Board of Appeals shall consist of no more than seven (7) members appointed by the Director. The Director shall serve as the Chairman of the Board of Appeals.

## Section 113.50 Meetings of the Board of Appeals

The Board shall be convened by the Director via written notification at least seven (7) days prior to the meeting date. The board shall meet at least every six (6) months to consider the appeals and other business pending.



## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Pay Telephone Providers
- 2) Code Citation: 83 Ill. Adm. Code 771
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
771.100	New Section
771.110	New Section
771.200	New Section
771.210	New Section
771.220	New Section
771.230	New Section
771.300	New Section
771.400	New Section
771.500	New Section
771.505	New Section
771.510	New Section
771.515	New Section
771.520	New Section
771.600	New Section
771.700	New Section
771.800	New Section

- 4) Statutory Authority: Implementing Section 8-301 and authorized by Section 10-101 of the Public Utilities Act (220 ILCS 5/8-301 and 10-101).

- 5) Effective Date of Rules: July 1, 2000

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Do these rules contain incorporations by reference? No

- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Commission's Springfield office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: October 1, 1999, at 23 Ill. Reg. 11790

- 10) Has JCAR issued a Statement of Objection to these rules? No

- 11) Differences between proposal and final version: Section 771.100(c): After "municipal", change "and" to ", State and federal".  
Section 771.300(e): Delete "May" and substitute "July".  
Section 771.600: Delete "January" and substitute "October".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

## ILLINOIS COMMERCE COMMISSION

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- 13) Will these rules replace an emergency rule currently in effect? No
- 14) Are there any rules pending on this Part? No
- 15) Summary and Purpose of Rules: These rules will set procedures concerning rates, terms and conditions applicable to customer-owned pay telephones.
- 16) Information and questions regarding these adopted rules shall be directed to:  
 Conrad S. Rubinkowski  
 Office of General Counsel  
 Illinois Commerce Commission  
 527 East Capitol Avenue  
 P.O. Box 19280  
 Springfield, IL 62794-9280  
 (217)785-3922

The full text of the adopted rules begins on the next page:

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED RULES

TITLE 83: PUBLIC UTILITIES  
CHAPTER 1: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER 1: TELEPHONE UTILITIES

## PART 771

## PAY TELEPHONE PROVIDERS

## SUBPART A: GENERAL PROVISIONS

Section  
771.100      Applicability  
771.110      Definitions

## SUBPART B: CERTIFICATE OF SERVICE AUTHORITY

Section  
771.200      Certification Requirements  
771.210      Filing Requirements  
771.220      Certified Access Line Provider's Maintenance of Records  
771.230      Responsibilities of the Certificated Pay Telephone Provider

## SUBPART C: NOTICE

Section  
771.300      Standardized Notice to the Public

## SUBPART D: EMERGENCY TELEPHONE SYSTEM

Section  
771.400      9-1-1 Emergency Pay Telephone Requirements

## SUBPART E: OPERATIONAL REQUIREMENTS

Section  
771.500      Pay Telephone Access Line Service  
771.505      Compliance with Federal Rules  
771.510      Touch-Tone Capability  
771.515      Other Features  
771.520      Miscellaneous Provisions

## SUBPART F: RATES

Section  
771.600      LEC Tariffs for Pay Telephone Providers

## SUBPART G: REFUNDS

Section

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED RULES

## 771.700      Refunds to Users of Pay Telephones for Public Use

## SUBPART H: VIOLATIONS

Section  
771.800      Notice Procedures

AUTHORITY: Implementing Section 8-301 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/8-301 and 10-101].

SOURCE: Adopted 9/10/00 at 24 Ill. Reg. 10148; effective

## SUBPART A: GENERAL PROVISIONS

## Section 771.100      Applicability

- a) This Part shall apply to any telecommunications carrier, as defined in Section 13-202 of the Public Utilities Act [220 ILCS 5/13-202], providing pay telephone service.
- b) This Part does not apply to pay telephone provider's provision of "private" or "private use" pay telephones in that telecommunications services offered by these pay telephones are not for public use. Pay telephones in locations where the telephone is available to a limited group such as family, club members, employees, or patrons are not for public use under the Act, including, but not limited to, the locations described below:
- 1) Those areas of mental health facilities as defined in Section 1-114 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/1-114] or developmental disability facilities as defined in Section 1-107 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/1-107] that are not accessible to the public;
  - 2) Those areas of correctional institutions or facilities as defined in Section 3-1-2 of the Unified Code of Corrections [730 ILCS 5/3-1-2], county jails and detention centers, or any detention facility operated by a unit of local government that are not accessible to the public; and
  - 3) Those indoor areas of banking establishments, restaurants, bars, taverns, retail stores, barbershops, beauty shops, grocery stores, department stores, movie houses, hospitals, doctors' offices, gas stations, and factories.
- c) Providers of pay telephones who locate pay telephones in locations accessible to or used by a large number of the public are telecommunications carriers within the meaning of Section 13-202 of the Act. Pay telephones in the following locations are deemed to be "public" or "for public use": transportation centers and terminals, stadiums, exposition centers, toll service areas, public streets and

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED RULES

roads, parks, public areas of shopping malls and shopping centers, hotel lobbies, all telephones located outdoors (except those located on the property of a private club), roadside oases and rest areas, amusement parks, municipal, State and federal government buildings, grounds and associated areas, and military establishments.

**Section 771.110 Definitions**

"9-1-1 system" means the geographic area that has been granted an order of authority by the Commission to use "9-1-1" as the primary emergency telephone number.

"9-1-1 System Management" - The Emergency Telephone System Board (ETSRB) that provides for the management and operation of a 9-1-1 system within the scope of such duties and powers as are prescribed by the Emergency Telephone System Act [50 ILCS 750]. If no ETSRB is established, then those persons given the authority to operate the 9-1-1 system by the local public agencies.

"Act" means the Public Utilities Act [220 ILCS 5].

"Basic pay telephone service access line" means an exchange access line used for the provision of pay telephone service.

"Billed number screening" means an entry into a line information database that indicates that certain incoming calls are not accepted by the pay telephone line.

"Certificated access line provider" means a local exchange carrier or a telecommunications carrier certified to provide switched local exchange telecommunications service pursuant to Sections 13-404 or 13-405 of the Act [220 ILCS 5/13-404 or 13-405] and providing an access line to a pay telephone provider for connection to the public switched telephone network.

"Coin access line" means an exchange access line equipped for touch-tone signaling, incoming and outgoing screening, and network coin rating and related coin signaling functions.

"Commission" means the Illinois Commerce Commission.

"LEC" means local exchange carrier, a telecommunications carrier providing local exchange telecommunications as defined in Section 13-204 of the Act [220 ILCS 5/13-204].

"Operator-assisted service" means any service using live operator or automated operator functions for the handling of telephone service, such as collect calls, third number billing, calling card and prepaid

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card services.

"Operator service provider" or "OSP" means every telecommunications carrier that provides operator-assisted services that assist callers in the placement or charging of a call, either through live intervention or automated intervention.

"Pay telephone" means any coin, coinless, credit card reader telephone, provided that the end user pays or arranges to pay for exchange and interchange intraMSA and interMSA calls from such instrument on an individual call basis.

"PT" means text telephone, a device that employs graphic or Braille communication in the transmission of coded signal through a wire or radio communication system.

## SUBPART B: CERTIFICATE OF SERVICE AUTHORITY

**Section 771.200 Certification Requirements**

Providers of pay telephone service that are providing the resale of either local exchange or interchange telecommunications service for public use must first obtain a Certificate of Service Authority pursuant to Section 13-403, 13-404, or 13-405 of the Act, as appropriate.

**Section 771.210 Filing Requirements**

- a) An applicant must file a verified original and three copies of the application for a Certificate of Service Authority with the Chief Clerk of the Commission in accordance with 83 Ill. Adm. Code 200.
- b) The application for certification must include the following:
  - 1) Applicant's business name, address and telephone number;
  - 2) Designated agent's name and address, if different from applicant's;
  - 3) Financial statement and balance sheet that lists assets and liabilities;
  - 4) The type of business knowledge and experience possessed by the applicant;
  - 5) Affirmation that the applicant has reviewed the rules in this Part that pertain to the provision of pay telephone services; and
  - 6) Method of compliance with Section 771.300, Standardized Notice to the Public.

**Section 771.220 Certified Access Line Provider's Maintenance of Records**

Each certificated access line provider shall maintain a database that includes, at a minimum, the following information regarding services provided to

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certificated and non-certificated pay telephone providers:

- a) The telephone number and demarcation point or location of each pay telephone line; and
- b) The billed party's name, address and telephone number.

**Section 771.230 Responsibilities of the Certificated Pay Telephone Provider**

- a) The certificated pay telephone provider shall be responsible for compliance with this part.
- b) The certificated pay telephone provider shall be the billed party.
- c) The certificated pay telephone provider shall provide one copy of its certificate to each certificated access line provider with which it intends to transact business.

## SUBPART C: NOTICE

**Section 771.300 Standardized Notice to the Public**

All public use pay telephones shall have the following features:

- a) An informational message by voice recording at no charge or by visual display in, on, or adjacent to each pay telephone explaining:
  - 1) The general operation of the pay telephone;
  - 2) Dialing instructions for obtaining emergency assistance;
  - 3) Identification of 9-1-1 as the primary emergency telephone number to be used when dialing from pay telephones in an authorized 9-1-1 system;
  - 4) Dialing instructions for operator services and directory assistance;
  - 5) Instructions on how to use any TT equipment supplied by the pay telephone provider;
  - 6) The blocking of incoming calls if the telephone will not accept incoming calls; and
  - 7) Any maximum duration of incoming calls.
- b) Visually displayed informational messages providing the following notices must be in 9 point type or 7 point type, if bilingual:
  - 1) The pay telephone Provider's name, mailing address and the telephone number that will enable the caller to contact the pay telephone provider 24 hours a day with, at a minimum, the provision of a voice response unit;
  - 2) The procedure used to report service problems or to request a credit or refund, if the pay telephone provider contact is different from that provided pursuant to subsection (b)(1); and
  - 3) The identity of any OSPs to which the pay telephone is presubscribed.
- c) Pay telephones located in areas served by a basic 9-1-1 system shall include the pay telephone location, either by a specific street address or descriptive location. The presence and accuracy of the information shall be confirmed by the pay telephone provider once per

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- year and that confirmation shall be deemed to be in compliance with this Section.
- d) If separate TT numbers apply to the requirements listed in subsections (a) and (b) of this Section, then those numbers shall also be posted on the pay telephone.
  - e) All certificated pay telephone providers shall comply with the notice requirements of this Subpart C by July 1, 2000.

## SUBPART D: EMERGENCY TELEPHONE SYSTEM

**Section 771.400 9-1-1 Emergency Pay Telephone Requirements**

- a) Certificated access line providers shall:
  - 1) At the time of access line subscription, advise the pay telephone provider whether the access lines provided are located in an area with 9-1-1 service and, if so, advise the pay telephone provider that it must comply with all relevant 9-1-1 requirements and, upon request, provide the pay telephone provider with a 9-1-1 System Management contact;
  - 2) At least 30 days prior to the conversion to a 9-1-1 system of any area not previously offering 9-1-1 service, notify each pay telephone provider then purchasing access lines from a certificated access line provider within the area of the pending conversion; and
  - 3) In case of pay telephone equipment malfunction, provide the billed party's telephone number associated with the malfunctioning pay telephone to the Commission or 9-1-1 System Management, upon their request.
- b) The pay telephone provider must provide the 9-1-1 System Management with the pay telephone number, a point of contact for the pay telephone provider and a specific street address or descriptive location for each pay telephone in that designated area on a proprietary basis.
- c) All 9-1-1 telephone calls shall be directed to the network as dialed.
- d) All pay telephone providers shall provide current emergency number information for police, fire, and emergency medical services to their presubscribed operator service providers who, in turn, shall have that information readily accessible.
- e) Pay telephones connected through line concentrators shall be compliant with the requirements of the Emergency Telephone System Act [50 ILCS 750/15.6] applicable to private business switch service.
- f) The placard or informational message on the pay telephone must comply with the requirements in Section 771.300.

## SUBPART E: OPERATIONAL REQUIREMENTS

**Section 771.500 Pay Telephone Access Line Service**



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All pay telephone equipment shall be connected to the public network by way of a basic pay telephone service access line or by a coin access line provided by a certificated access line provider. Such basic telephone service access line or coin access line shall be capable of accommodating outgoing calls of unlimited duration.

**Section 771.505 Compliance with Federal Rules**

All certificated pay telephone providers shall ensure that pay telephone equipment connected to a basic pay telephone service access line complies with all applicable rules of the Federal Communications Commission (FCC).

**Section 771.510 Touch-Tone Capability**

In areas where Touch-Tone capability is available from the serving central office, Touch-Tone signaling shall be provided to pay telephones.

**Section 771.515 Other Features**

All pay telephones for public use shall have the following minimum features:

- They shall have the ability to access "O" Operator (O-minus) without prior insertion of coins or credit card;
- They shall comply with all applicable federal statutes or State rules concerning the use of pay telephones by disabled persons, such as those who utilize wheel chairs or those who are hearing or sight disabled; and
- They shall have the ability to complete both basic exchange and interexchange intramsa and intermsa calls (upon payment of applicable charges).

**Section 771.520 Miscellaneous Provisions**

- Operator assisted services offered from pay telephones shall be provided by operator service providers or pay telephone providers that have obtained a Certificate of Service Authority from the Commission.
- Pay telephones for public use shall provide access to the customer's interexchange carrier of choice as set forth by the Commission in 83 Ill. Adm. Code 770.
- Billed number screening service shall be made available by certificated access line providers on all basic pay telephone access lines.
- No telecommunications carrier shall charge a pay telephone provider for a call originating from a pay telephone for which the caller pays a per-call or per-time-interval charge that is greater than, or in addition to, the charge for transmission of the call unless the pay telephone provider has subscribed to the provision of those calls from the pay telephone provider's pay telephones. If calls are billed in error, the telecommunications carrier shall provide appropriate

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adjustments or refunds. A pay telephone provider's access line provider shall be permitted to block calls, without charge, from pay telephones for which the pay telephone provider has not subscribed to those calls.

- Pay telephone providers shall have the option of not presubscribing to a primary interexchange carrier.
- Pay telephones for public use may be connected through line concentrators.

## SUBPART F: RATES

**Section 771.600 LBC Tariffs for Pay Telephone Providers**

LBCs must file tariffs for basic pay telephone services and any unbundled features the LBC provides to their own pay telephone service. Rates for these services shall be set according to the Federal Communications Commission's new services test pursuant to the Computer Inquiry III (CC Docket 90-263) guidelines in effect on October 1, 1999 (47 CFR 61.49(g)(2)). The tariffed rates for these services must be:

- cost based;
- consistent with the requirements of Section 276 of the Communications Act of 1934 as amended by the Telecommunications Act of 1996, 47 USC 276; and
- without preference or discrimination in favor of the LBC's pay telephone service.

## SUBPART G: REFUNDS

**Section 771.700 Refunds to Users of Pay Telephones for Public Use**

- No pay telephone provider shall knowingly charge for uncompleted calls or charge a rate other than as provided in the tariffs as may be applicable.
- If the customer has paid for an uncompleted call or has been overcharged, a refund shall be made with interest from the date of overpayment by the customer. The rate of interest shall be the rate as established by the Commission to be paid on deposits in 83 Ill. Adm. Code 735.120(h)(1).

## SUBPART H: VIOLATIONS

**Section 771.800 Notice Procedures**

- Upon receipt of a complaint of a violation of this Part, the Commission may initiate a proceeding to revoke the Certificate of Service Authority of a pay telephone provider alleged to be in violation of this Part or may initiate a proceeding to terminate service to a pay telephone alleged to be in violation of this Part.

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- b) A copy of the Commission's initiating order in either proceeding shall be served on the designated agent of the pay telephone provider. The Commission shall set the matter for hearing within 30 days after its order. The procedures for a hearing to review alleged violations shall follow 83 Ill. Adm. Code 200, "Rules of Practice".
- c) The Commission shall issue its final order within 90 days after the order initiating the proceeding. Certified copies of the order shall be served on the designated agent for the pay telephone provider.
- d) A certified access line provider shall terminate service to the pay telephone that is found to be in violation of this Part within 14 days after the entry of the Commission's final order.

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- 1) Heading of the Part: Requirements for Businesses with Private Business Switch Service to Comply with the Emergency Telephone System Act
- 2) Code Citation: 83 Ill. Adm. Code 726
- 3) Section Numbers: Adopted Action:  
726.100 New Section  
726.105 New Section  
726.200 New Section  
726.205 New Section  
726.300 New Section  
726.305 New Section  
726.400 New Section  
726.500 New Section  
726.505 New Section  
726.510 New Section
- 4) Statutory Authority: Implementing and authorized by Section 15.6 of the Emergency Telephone System Act [50 ILCS 750/15.6].
- 5) Effective Date of Rules: July 1, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these rules contain incorporations by reference? Yes
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Commission's Springfield office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: January 3, 2000, at 24 Ill. Reg. 1
- 10) Has JCAR issued a Statement of Objection to these rules? Yes
  - A) Statement of Objection: April 28, 2000; 24 Ill. Reg. 6741
  - B) Agency Response: June 23, 2000, 24 Ill. Reg. 8648
  - C) Date Agency Response Submitted for Approval to JCAR: June 8, 2000
- 11) Differences between proposal and final version: Table of Contents: add Section 726.205.  
Section 726.100: add "that is also a business in the State of Illinois".  
Section 726.105: add definition of "Business".

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Section 726.105: in the definition "Emergency responders", change "9-1-1" to "emergency".

Section 726.105: in the definition "Private Emergency Answering Point", change "9-1-1" to "emergency".

Section 726.200: replace "subsection (b) through (d) of this Section" with "Section 726.205". Delete subsections (b) through (d).

Section 726.205 added.

Section 726.300(a): Replace "entity" with "business".

Section 726.300(c): Replace "9-1-1 calls" with "emergency calls".

Section 726.300(d): Replace "9-1-1" with "emergency".

Section 726.300(e): Replace "should" with "shall".

Section 726.305(a): Replace "entity" with "business".

Section 726.400: Replace "An entity" with "A business". Replace "9-1-1" with "emergency".

Section 726.400: delete original subsections (a) through (m). Replace with new subsections (a) through (k).

Section 726.500: Replace "Each entity" with "Each business". Delete original subsection (c) and redesignate remaining subsections accordingly.

Section 726.505: Change "certified entity" to "certified business". Change "9-1-1 operations" to "emergency operations".

Section 726.510: Change "entity" to "business" in all subsections.

Section 726.510(e): Change "9-1-1 call" to "emergency call".

Section 726.510(f): Change "9-1-1 call" to "emergency call".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Not applicable

13) Will these rules replace an emergency rule currently in effect? These rules replace emergency rules that expired on May 10, 2000.

14) Are there any rules pending on this Part? No

15) Summary and Purpose of Rules: The proposed rules provide clarification to

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the statute as well as setting specific guidelines for private business switch operators/owners who want to establish their own Private Emergency Answering Point in Illinois. The rules have taken into consideration the technical aspects as well as aspects of public safety in order to produce a suitable set of guidelines for engineering and operations.

16) Information and questions regarding these adopted rules shall be directed to:

Conrad S. Rubinkowski  
Office of General Counsel  
Illinois Commerce Commission  
527 East Capitol Avenue  
P.O. Box 19280  
Springfield, IL 62794-9280  
(217)785-3922

The full text of the adopted rules begins on the next page:

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND  
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- 1) Heading of the Part: General Program Rules
- 2) Code Citation: 35 Ill. Adm. Code 1500
- 3) Section Number:  
Adopted Action:  
1500.10 New Section  
1500.20 New Section  
1500.30 New Section  
1500.40 New Section  
1500.50 New Section  
1500.60 New Section  
1500.70 New Section
- 4) Statutory Authority: Implementing and authorized by the Drycleaner Environmental Response Trust Fund Act [415 ILCS 135].
- 5) Effective Date of Rules: June 26, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file at the Third Party Administrator of the Drycleaner Council's office, located at 1000 Tower Lane, Suite 140, Bensenville, Illinois and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: January 1, 2000 (24 Ill. Reg. 193)
- 10) Has JCAR issued a Statement of Objections to these Amendments? No
- 11) Differences between proposal and final version:  
Added Section 1500.20, "Definitions," and renumbered subsequent Sections.  
In Section 1500.30, before the semicolon, added "and does not purchase hydrocarbon-based drycleaning solvents",  
In Section 1500.40, added "Illinois Environmental Protection Agency".  
In Section 1500.40, changed "State Law [29 IAC Section 620.100]" to "the Illinois Emergency Planning and Community Right to Know Act [430 ILCS 100]".  
In Section 1500.40, changed "Title 35; Subtitle G; Chapter 1; Subchapter C, Part 722" to "in accordance with the Environmental Protection Act [415

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- ILCS 5) and 35 Ill. Adm. Code 722".
- In Section 1500.40, added "Title 35; Subtitle G; Chapter I: Subchapter C, Part 722".
- In Section 1500.40, deleted "D) Other factors as determined by the Council. (Section 25(c) (4) of the Act)".
- In Section 1500.80, changed "Initial program" to "July 1, 1999 through June 30, 2000".
- In Section 1500.50, deleted "v) other factors as determined by the Council. (Section 45(e) (5) of the Act)".
- In Section 1500.60, changed "of receipt of the notice from the Administrator" to "after filing of the notice of appeal".
- In Section 1500.60, changed "Act" to "Article of the Illinois Administrative Procedure Act".
- In Section 1500.70, changed "would be requested" to "shall be completed" 3 times.
- In Section 1500.70, added "Title 35; Subtitle G; Chapter I: Subchapter C, Part 722".
- In Section 1500.70, changed "Title 35; Subtitle G; Chapter 1: Subchapter C, Part 722" to "in accordance with the Environmental Protection Act [415 ILCS 5] and 35 Ill. Adm. Code 722".
- In Section 1500.70, changed "Claims form to apply for remedial action or insurance benefits" to "claim reimbursement request form".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these rules replace emergency rules currently in effect? Yes
- 14) Are there any amendments pending to this Part? No
- 15) Summary and Purpose of Rules: The rules establish the general program rules for implementing the Drycleaner Environmental Response Trust Fund. It focuses on the licensing, insurance and remedial program requirements.
- 16) Information and questions regarding these adopted rules shall be directed to:



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H. Patrick Eriksen  
Administrator  
Drycleaner Environmental Response Trust Fund Council of Illinois  
PO Box 7380  
Bensenville IL 60106-7380  
(630) 741-0022

The full text of the adopted rules begins on the next page:

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TITLE 35: DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND COUNCIL OF ILLINOIS  
SUBTITLE N: DRYCLEANING

CHAPTER 1: DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND COUNCIL OF ILLINOIS

PART 1500  
GENERAL PROGRAM

Section
1500.10 General
1500.20 Definitions
1500.30 Drycleaning Facility License
1500.40 Drycleaner Remedial Account
1500.50 Drycleaner Facility Insurance Account
1500.60 Appeals
1500.70 Forms

AUTHORITY: Implementing and authorized by the Drycleaner Environmental Response Trust Fund Act (415 ILCS 135/20(a)).

SOURCE: Emergency rule adopted at 24 Ill. Reg. 307, effective January 1, 2000, for a maximum of 150 days; adopted at 24 Ill. Reg. 10164, effective JUN 26 2000.

## Section 1500.10 General

This Part sets forth the rules, regulations and requirements of the Drycleaner Environmental Response Trust Fund Act. The purpose of this Part is to support and further define the policies for implementing the Drycleaner Environmental Response Trust Fund Act (415 ILCS 135).

## Section 1500.20 Definitions

"Act" means the Drycleaner Environmental Response Trust Fund Act.

"Administrator" means the Administrator of the Drycleaner Environmental Response Trust Fund Council of Illinois.

"Active drycleaning facility" means a drycleaning facility actively engaged in drycleaning operations and licensed under Section 60 of the Act.

"Agency" means the Illinois Environmental Protection Agency.

"Claimant" means an owner or operator of a drycleaning facility who has applied for reimbursement from the remedial account or who has submitted a claim under the insurance account with respect to a release.

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"Council" means the Drycleaner Environmental Response Trust Fund Council.

"Drycleaner Environmental Response Trust Fund" or "Fund" means the fund created under Section 10 of the Act.

"Drycleaning facility" means a facility located in this State that is or has been engaged in drycleaning operations for the general public, other than a facility located on a United States military base; an industrial laundry, commercial laundry, or linen supply facility; a prison or other penal institution that engages in drycleaning only as part of a Correctional Industries program to provide drycleaning to persons who are incarcerated in a prison or penal institution or to resident patients of a State-operated mental health facility; a not-for-profit hospital or other health care facility; or a facility located or formerly located on Federal or State property.

"Drycleaning operations" means drycleaning of apparel and household fabrics for the general public, as described in Standard Industrial Classification Industry No. 7215 and No. 7216 in the Standard Industrial Classification (SIC) Manual by the Technical Committee on Industrial Classification, available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 653-5075 (1987; no later editions or amendments are incorporated).

"Drycleaning solvent" means a chlorine-based or hydrocarbon-based formulation or product that is used as a primary cleaning agent in drycleaning operations.

"Emergency" or "emergency action" means a situation or an immediate response to a situation to protect public health or safety.

"Emergency" or "emergency action" does not mean removal of contaminated soils, recovery of free product, or financial hardship.

An "emergency" or "emergency action" would normally be expected to be directly related to a sudden event or discovery and would last until the threat to public health is mitigated.

"Focused site investigation" means an investigation designed to identify recognized environmental conditions and related contaminants of concern that may exist at a site and to investigate the environmental conditions and contaminants of concern that are associated with drycleaning solvents. The focused site investigation shall be performed in two phases. A phase I environmental assessment shall be designed and implemented in accordance with the procedures for such establishments set forth in "Standard Practices for Environmental Site Assessments: Phase I Environmental Site Assessment

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"Process" (ASTM E 1527-97), available from the American Society for Testing and Materials, 1916 Race St., Philadelphia PA 19103, (215) 299-5400 (1997; no later editions or amendments are incorporated).

The phase I environmental site assessment shall be designed and implemented to address those environmental conditions or contaminants of concern, including drycleaning solvents that may be associated with the site. A focused phase II environmental site assessment shall be designed and implemented to address those environmental conditions or contaminants of concern identified by the phase I environmental site assessment that are associated with drycleaning solvents. A focused phase II environmental site assessment investigation shall generally follow those requirements that are applicable to the phase II investigation as set forth in the Illinois Pollution Control Board's site remediation program requirements (35 Ill. Adm. Code 740.420(b)).

"Inactive drycleaning facility" means a drycleaning facility that is not being used for drycleaning operations and is not registered under the Act.

"Operator" means a person or entity holding a business license to operate a licensed drycleaning facility or the business operation of which the drycleaning facility is a part.

"Owner" means a person who owns or has possession or control of a drycleaning facility at the time a release is discovered, regardless of whether the facility remains in operation, or a parent corporation of such person.

"Person" means an individual, trust, firm, joint stock company, corporation, consortium, joint venture, or other commercial entity.

"Program year" means the period beginning on July 1 and ending on the following June 30.

"Release" means any spilling, leaking, emitting, discharging, escaping, leaching, or dispersing of drycleaning solvents from a drycleaning facility to groundwater, surface water, or subsurface soils.

"Remedial action" means activities taken to comply with Sections 58.6 and 58.7 of the Environmental Protection Act (415 ILCS 5/58.6 and 58.7) and rules adopted by the Pollution Control Board under those Sections. [415 ILCS 135/5]

Section 1500.30 Drycleaning Facility License

a) On and after January 1, 1998, every active drycleaning facility must

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- obtain a license from the Council. No person shall operate a drycleaning facility in this State without a license issued by the Council for that facility. (Section 60(a) of the Act)
- b) The Council shall issue initial and annual renewal licenses to an active drycleaning facility upon an applicant's submission of a completed application prescribed by the Council (see Section 1500.60(a)) and proof of payment of the required fee to the Department of Revenue (Section 60(b) of the Act) by submittal of the DS-3 Form (prescribed by the Department of Revenue) subject to the following:
- 1) The annual license period is January 1 through December 31.
  - 2) The license fee and the DS-3 Form must be submitted to the Department of Revenue 60 days prior to issuance of a license.
  - 3) The Department of Revenue will return the applicant's copy of the DS-3 Form to confirm receipt of the appropriate license fee.
  - 4) The original DS-3 Form returned from the Department of Revenue must be submitted to the Council with the license application or renewal application. Applications submitted without the original DS-3 Form will be returned to the applicant.
  - 5) Upon receipt of a properly completed license application and an original DS-3 Form indicating the appropriate license fee has been received by the Department of Revenue, the Council will process the license application.
  - 6) License fees are non-refundable.
  - 7) Any drycleaning facility that begins operation on or after January 1, 2000 must obtain a license prior to operating the facility.

c) The required annual fee for a license is as follows:

- 1) \$500 for a facility that purchases:
  - A) 140 gallons or less of chlorine-based drycleaning solvents annually, and does not purchase hydrocarbon-based drycleaning solvents;
  - B) 1400 gallons or less of hydrocarbon-based drycleaning solvents annually (Section 60(c)(1) of the Act), and does not purchase chlorine-based drycleaning solvents;
  - C) both chlorine-based drycleaning solvents and hydrocarbon-based drycleaning solvents, using a multiplier of 10 for chlorine based drycleaning solvents to determine an equivalent value based upon one gallon of chlorine-based drycleaning solvents having an equivalent value of 10 gallons of hydrocarbon-based drycleaning solvents, 1400 equivalent value gallons or less combined hydrocarbon-based and chlorine-based, multiplied by 10, drycleaning solvents.
- 2) \$1,000 for a facility that purchases:
  - A) more than 140 gallons but less than 360 gallons of chlorine-based drycleaning solvents annually, and does not purchase hydrocarbon-based drycleaning solvents;
  - B) more than 1400 gallons but less than 3600 gallons of

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hydrocarbon-based drycleaning solvents annually (Section 60(c)(2) of the Act), and does not purchase chlorine-based drycleaning solvents;

C) both chlorine-based drycleaning solvents and hydrocarbon-based drycleaning solvents, using a multiplier of 10 for chlorine-based drycleaning solvents to determine an equivalent value based upon one gallon of chlorine-based drycleaning solvents having an equivalent value of 10 gallons of hydrocarbon-based drycleaning solvents, more than 1400 equivalent value gallons but less than 3600 equivalent value gallons combined hydrocarbon-based and chlorine-based, multiplied by 10, drycleaning solvents.

3) \$1,500 for a facility that purchases:

- A) 360 gallons or more of chlorine-based drycleaning solvents annually and does not purchase hydrocarbon-based drycleaning solvents;
- B) 3600 gallons of hydrocarbon-based drycleaning solvents annually (Section 60(c)(3) of the Act) and does not purchase chlorine-based drycleaning solvents;
- C) both chlorine-based drycleaning solvents and hydrocarbon-based drycleaning solvents, using a multiplier of 10 for chlorine-based drycleaning solvents to determine an equivalent value based upon one gallon of chlorine-based drycleaning solvents having an equivalent value of 10 gallons of hydrocarbon-based drycleaning solvents, more than 3600 equivalent value gallons or more combined hydrocarbon-based and chlorine-based, multiplied by 10, drycleaning solvents.

4) If an applicant submits a license application to operate a facility beginning during a license year, the license fee for the first year shall be prorated as follows:

- A) For a license with an effective date on or after January 1 and before April 1, 100% of the fee is required.
- B) For a license with an effective date on or after April 1 and before July 1, 75% of the fee is required.
- C) For a license with an effective date on or after July 1 and before October 1, 50% of the fee is required.
- D) For a license with an effective date on or after October 1 and before January 1 of the following year, 25% of the fee is required.

d) For purposes of this Section, the quantity of drycleaning solvents purchased annually shall be determined as follows:

- 1) In the case of an initial applicant, the quantity of drycleaning solvents that the applicant estimates will be used during his or her initial license year. A fee assessed under this subsection (d)(1) is subject to audited adjustment for that year; or
- 2) In the case of a renewal applicant, the quantity of drycleaning

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- solvents actually used in the preceding license year. (Section 60(c) of the Act)
- e) The Council may adjust licensing fees annually based on the change in the published Consumer Price Index - All Urban Consumers, U.S. city average, all items, ("CPI-U") for the 12 months preceding the month the Council adjusts the licensing fee or as otherwise determined by the Council. (Section 60(c) of the Act)
- f) A license issued under this Section shall expire one year after the date of issuance and may be renewed on reapplication to the Council and submission of proof of payment of the appropriate fee to the Department of Revenue in accordance with subsections (b) and (c). At least 30 days before payment of a renewal licensing fee is due, the Council shall attempt to:

- 1) notify the operator of each licensed drycleaning facility concerning the requirements of this Section; and
  - 2) submit a license fee payment form to the licensed operator of each drycleaning facility. (Section 60(d) of the Act)
- g) An operator of a drycleaning facility who is required to pay a license fee under the Act and fails to pay the license fee when the fee is due shall be assessed a penalty of \$3 for each day after the license fee is due and until the license fee is paid. (Section 60(g) of the Act)
- h) A license can be transferred from the drycleaning facility operator to a new operator of the same drycleaning facility upon completion of a license transfer form prescribed by the Council and signed by the license holder and transferee. If the drycleaning facility has an active insurance policy issued by the Council, the license can only be transferred if the insurance policy is also transferred.
- i) If a drycleaning facility operator terminates the operation of a licensed drycleaning facility at a specific location, the operator can be re-licensed for a new drycleaning facility location without payment of an additional license fee provided the existing drycleaning facility license is terminated.

Section 1500.40 Drycleaner Remedial Account

The Council shall have the authority to provide reimbursement to eligible claimants for remedial action associated with the release of drycleaning solvents from the claimant's drycleaning facility. (Section 40(a) of the Act)

a) The following claimants are eligible for reimbursement from the remedial action account:

- 1) The owner or operator of an inactive drycleaning facility when it also the owner or operator of that drycleaning facility when it was an active drycleaning facility.
- 2) The owner or operator of an active drycleaning facility which is licensed by the Council under the Drycleaner Environmental Response Trust Fund Act at the time of application for remedial action benefits. (Section 40(b) of the Act)

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- b) To be eligible for reimbursement, a claimant must demonstrate that drycleaning solvent contaminated soil, groundwater or both exceeds Illinois Environmental Protection Agency (Agency) tiered approach to corrective action objectives and all of the following:

- 1) The source of the release is from the claimant's drycleaning facility. (Section 40(c)(1) of the Act)
- 2) At the time the release was discovered, the claimant and the drycleaning facility were in compliance with all the Agency reporting and technical operating requirements. (Section 40(c)(2) of the Act)
- 3) The claimant reported the release in a timely manner to the Agency in accordance with the Illinois Emergency Planning and Community Right to Know Act (430 ILCS 100). (Section 40(c)(3) of the Act)
- 4) The claimant has not filed for bankruptcy on or after the date of the discovery of the release. (Section 40(c)(4) of the Act)
- 5) The release must have been discovered on or after July 1, 1997 and before July 1, 2004. (Section 40(c)(7) of the Act)
- 6) The claimant must submit a completed application form as provided by the Council (see Section 1500.70(c)) by June 30, 2004. (Section 40(d) of the Act)
- 7) If the claim is for reimbursement of remedial action expenses at an active drycleaning facility, the claimant must demonstrate continuous financial assurance for environmental liability coverage in the amount of at least \$500,000 beginning the date of award of benefits under the Act or July 1, 2000, whichever is earlier, and the claimant must provide to the Council proof of implementation and maintenance of the following pollution prevention measures: (Section 40(c)(5) and (6) of the Act)
  - A) Management of all drycleaning solvent wastes in accordance with applicable State waste management laws and rules in accordance with the Environmental Protection Act [415 ILCS 5] and 35 Ill. Adm. Code 722. (Section 40(c)(5)(A) of the Act)

B) A prohibition on the discharge of wastewater from drycleaning machines or of drycleaning solvent from drycleaning operations to a sanitary sewer or septic tank or to the surface or to groundwater. (Section 40(c) (5)(B) of the Act)

C) Installation of a containment dike or other containment structure around each machine which is capable of containing a capacity of 110 percent of the drycleaning solvent in the largest tank or vessel in the machine for any leak, spill, or release of drycleaning solvent from that machine.

D) Installation of a containment dike or other containment structure around each item of equipment or drycleaning area in which any drycleaning solvent is utilized, which shall be



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capable of containing a capacity of 100 percent of the drycleaning solvent capacity of each item of equipment or area for any leak, spill, or release of drycleaning solvent from that item. (Section 40(c)(5)(C)(1))

E) Installation of a containment dike or other containment structure around each portable waste container in which any drycleaning solvent is utilized, which shall be capable of containing a capacity of 100 percent of the drycleaning solvent capacity of the largest portable waste container, or at least 10 percent of the total volume of the portable waste containers stored within the containment device, whichever is greater, for any leak, spill, or release of drycleaning solvent from that item. The portable waste container and containment dike should be located within the drycleaning facility. If the portable waste container is not located within the drycleaning facility, then the portable waste container and the containment device must be located in a structure designed to prevent unauthorized access and prevent exposure to natural elements and provide safety to human health and the environment.

F) All diked floor surfaces on which a drycleaning solvent may leak, spill or otherwise be released must be sealed or otherwise rendered impervious to drycleaning solvents. (Section 40(c)(5)(C)(II) of the Act)

G) Chlorine based drycleaning solvents shall be delivered to the drycleaning facility by means of closed, direct-coupled delivery and vapor recovery systems. (Section 40(c)(5)(D) of the Act)

H) All petroleum based drycleaning solvents shall be delivered to the drycleaning facility by means of a direct-coupled delivery system with proper vent lines for receiving the product.

c) Subject to Fund limitations, eligibility requirements, prioritization and reimbursement limitations, the Council may reimburse up to but not to exceed:

- 1) \$160,000 per active drycleaning facility for which an eligible claim is submitted during the program year beginning July 1, 1999. (Section 40(f)(1)(A) of the Act)
- 2) \$150,000 per active drycleaning facility for which an eligible claim is submitted during the program year beginning July 1, 2000. (Section 40(f)(1)(B) of the Act)
- 3) \$140,000 per active drycleaning facility for which an eligible claim is submitted during the program year beginning July 1, 2001. (Section 40(f)(1)(C) of the Act)
- 4) \$130,000 per active drycleaning facility for which an eligible claim is submitted during the program year beginning July 1, 2002. (Section 40(f)(1)(D) of the Act)

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5) \$120,000 per active drycleaning facility for which an eligible claim is submitted during the program year beginning July 1, 2003. (Section 40(f)(1)(E) of the Act)

6) \$50,000 per inactive drycleaning facility. (Section 40(f)(1)(F) of the Act)

d) An eligible claimant submitting a claim for an active drycleaning facility is responsible for the first \$5,000 of eligible focused site investigation costs and for the first \$10,000 of eligible remedial action costs incurred in connection with the release and is only eligible for reimbursement for costs that exceed those amounts, subject to any other limitations of the Act. (Section 40(e)(1) of the Act)

e) An eligible claimant submitting a claim for an inactive drycleaning facility is responsible for the first \$10,000 of eligible focused site investigation costs and for the first \$10,000 of eligible remedial action costs incurred in connection with the release from that drycleaning facility, and is only eligible for reimbursement for costs that exceed those amounts, subject to any other limitations of the Act. (Section 40(e)(2) of the Act)

f) For the purpose of claimant reimbursement, eligible expenses are limited subject to the following:

- 1) For remedial action activities that occurred on or after July 1, 1999, only those costs that are pre-approved by the Council are eligible for reimbursement unless an emergency exists. In the case of an emergency, the Council may reimburse reasonable expenses for remediation services required to mitigate the emergency conditions.
- 2) For remedial action activities that occurred prior to July 1, 1999, the Council may reimburse costs that the Council determines were reasonable and necessary.
- 3) To be pre-approved for reimbursement, remedial action activities must be required under the site remediation program. Only services required to obtain a no further remediation letter for the drycleaning solvent of concern, based upon continued land use as a drycleaning facility, are reimbursable.
- 4) A contract in which one of the parties to the contract is a claimant, for goods or services that may be payable or reimbursable from the Council, is void and unenforceable unless and until the Council has found that the contract terms are within the range of usual and customary rates for similar or equivalent goods or services within this State and has found that the goods or services are necessary for the claimant to comply with Council standards or with the site remediation program. (Section 40(f)(2) of the Act)
- 5) The Council may require a claimant to obtain and submit 3 bids and may require that the bids contain specific terms and conditions consistent with the requirements of the site

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remediation program and the site specific characteristics of the drycleaning facility for which budget approval is requested. Approval of a bid will be both price and scope specific. (Section 40(f)(4) of the Act)

- 6) If a claimant has pollution liability insurance coverage other than coverage provided by the insurance account under the Act, that coverage shall be primary. Reimbursement from the remedial account shall be limited to the deductible amounts under the primary coverage and the amount that exceeds the policy limits of the primary coverage, subject to the deductible amounts of the Act. If there is a dispute between the claimant and the primary insurance provider, reimbursement from the remedial account shall be provided to the claimant after the claimant assigns all of his or her interest in the insurance coverage to the Council. (Section 40(f)(9) of the Act)
- 7) Reimbursement of any amount from the Fund for remedial action shall be subject to the Council acquiring by subrogation the rights of any claimant or other person to recover the costs of remedial action for which the Fund has compensated the claimant. If, for any reason, the Council determines that an excess payment has been paid from the Fund, the Council may take steps to collect the excess amount.
- 9) Cost recovery; enforcement.
  - A) The Council may seek recovery from a potentially responsible party liable for a release that is the subject of a remedial action and for which the Fund has expended moneys for remedial action. The amount of recovery sought by the Council shall be equal to all moneys expended by the Fund for and in connection with the remediation, including but not limited to reasonable attorneys' fees and costs of litigation expended by the Fund in connection with the release. (Section 50(a) of the Act)
  - B) Except as provided in subsections (f)(9)(C) and (D):
    - i) The Council shall not seek recovery for expenses in connection with remedial action for a release from a claimant eligible for reimbursement except for any unpaid portion of the deductible. (Section 50(b)(1) of the Act)
    - ii) A claimant's liability for a release for which coverage is admitted under the insurance account shall not exceed the amount of the deductible, subject to the limits of insurance coverage. (Section 50(b)(2) of the Act)
  - C) Notwithstanding subsection (f)(9)(B), the liability of a claimant to the Fund shall be the total costs of remedial action incurred by the Fund, as specified in subsection (f)(9)(A), if the claimant has not complied with the

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Environmental Protection Act [415 ICS 5] and its rules or with the Act and its rules. (Section 50(c) of the Act)

D) Notwithstanding subsection (f)(9)(B), the liability of a claimant to the Fund shall be the total costs of remedial action incurred by the Fund, as specified in subsection (f)(9)(A), if the claimant received reimbursement from the Fund through misrepresentation or fraud, and the claimant was made aware of the amount of the reimbursement. (Section 50(d) of the Act)

- E) Upon reimbursement by the Fund for remedial action under the Act, the rights of the claimant to recover payment from a potentially responsible party are assumed by the Council to the extent the remedial action was paid by the Fund. A claimant is precluded from receiving double compensation for the same injury. A claimant may elect to permit the Council to pursue the claimant's cause of action for an injury not compensated by the Fund against a potentially responsible party, provided the Attorney General or his or her designee determines the representation would not be a conflict of interest. (Section 50(e) of the Act)
- F) This subsection (f)(9) does not preclude, limit, or in any way affect any of the provisions of or causes of action pursuant to Section 22.2 of the Environmental Protection Act [415 ICS 5/22.2]. (Section 50(f) of the Act)
- g) Prioritization based upon Fund limitations.
  - 1) The liability of the Fund is further limited by the monies made available to the Fund, and no remedy shall be provided that would require the Fund to exceed its then current funding limitations to satisfy an award or that would restrict the availability of monies for higher priority sites. The Council may prioritize the expenditure of funds from the remedial action account whenever it determines that there are not sufficient funds to settle all current claims. In prioritizing, the Council may consider the following:
    - A) The degree to which human health is affected by the exposure posed by the release (Section 25(c)(1) of the Act);
    - B) The reduction of risk to human health derived from remedial action compared to the cost of the remedial action (Section 25(c)(2) of the Act);
    - C) The present and planned uses of the impacted property (Section 25(c)(3) of the Act).
  - 2) If the Council determines that there are not sufficient funds to settle all current claims and that prioritization is necessary, the Council will provide notice to all eligible claimants of the need for prioritization and the prioritization schedule.

Section 1500.50 Drycleaner Facility Insurance Account

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- a) The owner or operator of an active drycleaning facility shall be eligible for up to \$500,000 financial assurance per drycleaning facility from the Council subject to the following limitations:
- 1) to apply for financial assurance coverage, the owner or operator of an active drycleaning facility must submit an application to the Council (see Section 1500.70(b)). The Council will not determine who must submit the application. Any insurance policy issued must identify both the owner and the operator and both will be named insured. Application and no later than June 30, 2004 for a drycleaning facility that is active on June 30, 2004. Applications must have a focused site investigation completed that is designed to identify soil and groundwater contamination resulting from the release of solvents from the facility based upon the continued use of the facility as a drycleaning facility, consistent with 35 Ill. Adm. Code 740.430 and 435.
  - 3) The drycleaning facility is participating in and meets all requirements of a drycleaning compliance program approved by the Council (Section 45(d)(2) of the Act).
  - 4) Applications must include the annual premium for financial assurance coverage as follows:
    - A) For the year July 1, 1999 through June 30, 2000 \$250 per drycleaning facility; (Section 45(e)(1) of the Act)
    - B) For the year July 1, 2000 through June 30, 2001, \$375 per drycleaning facility; (Section 45(e)(2) of the Act)
    - C) For the year July 1, 2001 through June 30, 2002, \$500 per drycleaning facility; (Section 45(e)(3) of the Act)
    - D) For the year July 1, 2002 through June 30, 2003, \$625 per drycleaning facility; (Section 45(e)(4) of the Act)
  - E) For subsequent years, the applicant applying for coverage shall pay an annual actuarially sound insurance premium as determined by the Council. The Council shall take into consideration risk factor adjustments to reflect the range of risk presented by:
    - i) the type of drycleaning system
    - ii) the type of monitoring system
    - iii) drycleaning volume
    - iv) risk management practices. (Section 45 (e)(5) of the Act)
  - 5) If coverage is purchased for any part of a year, the purchaser shall pay the full annual premium for that year. The insurance premium is fully earned upon issuance of the insurance policy. (Section 45(f) of the Act)
  - 6) All insurance policies shall include a \$10,000 deductible (Section 45(g) of the Act).
  - 7) Coverage shall be limited to remedial action costs associated

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with soil and groundwater contamination resulting from a release of drycleaning solvent to an insured drycleaning facility including third-party liability for soil and groundwater contamination, consistent with the terms of the Council's insurance policy. Section 45(c) of the Act).

- B) An insurance policy issued by the Council for a specific drycleaning facility located on the Council for a specific drycleaning facility operated by the owner upon execution of a policy transfer form provided by the Council and signed by the policy holder and transferred subject to any transfer fee determined by the Council. The insurance policy cannot be transferred unless the drycleaning facility license is also transferred.

Section 1500.60 Appeals

- a) Only a person who is the owner or operator of a drycleaning facility as defined by the Act shall have standing to appeal final decisions under the Act. Any written decision issued by the Administrator of the Council shall be considered a final decision. Any written decision issued by the Administrator may be appealed to the Council. Any decision by the Council may be appealed to the Council's administrative hearing officer (see subsection (h)).
- b) The person who is the owner or operator of a drycleaning facility shall notify the Administrator in writing of his/her intention to appeal a decision of the Administrator within 180 days after receipt of the written action that is to be appealed.
- c) The Administrator will review the appeal and respond in writing to the person who is the owner or operator of a drycleaning facility within 30 days after receipt of the appeal.
- d) If the person who is the owner or operator of a drycleaning facility still disagrees with the Administrator's decision, that person may request further review by sending to the Council a written appeal within 60 days after the written action of the Administrator that is to be appealed. The notice shall be delivered to the Administrator for delivery to the Council.
- e) The Administrator shall deliver notice of the appeal to the person who is the owner or operator of a drycleaning facility and the Council within 30 days after receipt of notice of the appeal. The Council shall set a hearing within 180 days after filing of the notice of appeal. A decision by the Council shall be issued no later than 120 days following a hearing by the Council. (Section 20(g) of the Act)
- f) The person who is the owner or operator of a drycleaning facility shall notify the Council of his/her intention to appeal the Council decision within 60 days after receipt of the written action of the Council that is to be appealed.
- g) The Council shall deliver notice of the appeal to the person who is an owner or operator of a drycleaning facility and the Council's

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administrative hearing officer within 30 days after receipt of notice of the appeal by that person.

b) The appeal shall be heard by an administrative hearing officer as determined by the Council. The administrative hearing officer may be the Council's legal counsel or an attorney licensed to practice in Illinois. The administrative hearing officer shall be disqualified from hearing the appeal for bias or conflict of interest. An adverse ruling in and of itself, shall not constitute bias or conflict of interest.

i) A hearing with the administrative hearing officer shall be held within 180 days after the filing of the notice of the appeal.

j) A final decision by the administrative hearing officer shall be issued no later than 120 days following the close of the hearing before the administrative hearing officer.

k) The time restrictions in this appeal procedure may be waived by mutual agreement of the parties.

l) The decision of the administrative hearing officer shall be subject to judicial review in accordance with the Administrative Review Law [735 ILCS 5/Art. III].

m) Unless displaced by a particular provision of this Section, the Administrative Hearings Article of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10] shall apply.

## Section 1500.70 Forms

a) The following is a summary of information that shall be completed on the license Application Form to receive a license certificate.

1) Drycleaning facility name, address, contact person, phone number and date facility began drycleaning operations.

2) Drycleaner operator information, including name, mailing address, contact person, phone number, type of legal entity (i.e., sole proprietorship), corporation, partnership, Federal ID or social security number, Illinois Business Tax ID number.

3) Information pertaining to the owner of the real estate, including owner name, mailing address, contact person, phone number, type of legal entity, Federal ID or social security number.

4) Information pertaining to the annual fee involving the quantity of drycleaning solvents purchased for the preceding year on a sliding scale to be used in the current year if it is a new or existing facility.

5) Information regarding the drycleaning solvent supplier, including name of supplier, contact person, phone number, mailing address, Illinois Business Tax ID number.

The license form must be signed by the applicant and returned with the appropriate application form and proof of payment of license fee in order to receive a license from the Drycleaner Environmental Response Trust Fund Council of Illinois.

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b) The following is general information that must be completed on an insurance application form in order to receive pollution liability coverage from the fund.

- 1) Facility name, address, contact person, drycleaner license number and phone number.
- 2) Operator name, mailing address, contact person, legal entity, type of legal entity, whether the operator is the owner of the building or both.
- 3) Owner information, including name, mailing address, contact person, type of legal entity.
- 4) Where correspondence regarding this application should be sent.
- 5) Information on the mortgage, including name, mailing address.
- 6) Site specific information such as:

A) Number of drycleaning units not in use or temporarily out of use at the location.

B) Site conditions, including distance in feet to the nearest building off premises.

C) Distance in feet to nearest water well.

D) Distance in feet to nearest water/sewer main.

E) Location of the property in terms of residential, commercial or industrial area.

F) A diagram of the facility showing location of the building, drycleaning units, stored drycleaning solvents, stored hazardous waste containers, etc., should be listed on the diagram.

G) What type of hazardous waste generator facility is at this location and if the facility is operating in accordance with the requirements for the type of hazardous waste generator facility that is indicated.

H) Does the facility participate in and meet all the requirements of the Drycleaning Compliance Program approved by the Council. If the answer is yes, the applicant must provide the name of the program and documentation of participation. In addition, the applicant must indicate if the facility is compliant with all the requirements of the Compliance Program.

I) Does the drycleaning unit have an Illinois EPA air operating permit? If so, the type of permit must be indicated.

7) Has a site investigation been conducted to identify soil and groundwater contamination at the facility? If it has, a copy of the report should be submitted with the application.

8) An indication of whether the applicant has ever reported a release or spill on this site to the Illinois Emergency Management Agency. If the response is yes, the applicant should explain when, what and the current status of the cleanup. If the response is no, the applicant should indicate if he/she is aware of a release or spill that has occurred at this facility that



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- 9) would impact soil and groundwater.  
Specific information on each individual drycleaning unit at the facility, including:  
A) Date each unit installed.  
B) Was the unit new at installation?  
C) Identification of the type of drycleaning solvent currently used.  
D) Indicate what type of drycleaning unit it is, i.e., dry to dry, transfer, other.  
E) What is the average amount of drycleaning solvent used per month in each unit?  
F) Does the unit have a pollution control mechanism on it? If so, identify what type.  
G) What is the size of each unit, based on pounds of clothes that each unit holds per cycle?

10) Hazardous Waste

- A) Does the site maintain drycleaning solvent hazardous waste in approved containers that are labeled hazardous waste and properly dated?  
B) Is wastewater from the drycleaning solvent discharged into a sanitary sewer/septic tank service or groundwater?  
C) Are all drycleaning solvent wastes generated at this facility managed in accordance with applicable State waste management laws and rules in accordance with the Environmental Protection Act (415 ILCS 5) and 35 Ill. Adm. Code 722?

11) Pollution Prevention Measures

- A) Does the unit have a containment dike or structure around each unit for the entire drycleaning area in which any drycleaning solvent is utilized that is capable of containing a spill or leak?

- B) Is the surface of the dike floor in which the drycleaning solvent may leak, spill or otherwise be released sealed or impervious?

- C) Are regular visual inspections conducted of the unit, solvent containers, waste containers and other areas where the solvent waste is located?

- D) Are the repairs done on a timely basis and a log kept of all repairs?

- E) Is the drycleaning solvent delivered to the facility by means of a closed direct-coupled delivery system?

12) An insurance application form must be signed and dated by the applicant.

- c) The following is a summary of information that shall be completed on a claims form to apply for remedial action or insurance benefits.  
1) Business facility information including:

- A) Name and address of property where release occurred and

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- name, address and phone number of person filing claim.  
B) An insurance policy number, if applicable.  
C) The number of drycleaning units at this facility, whether they are still in use, and the drycleaning solvents that were stored in the drycleaning units.  
D) Questions as to other types of drycleaning machines, equipment, or underground or aboveground tanks, besides the drycleaning units, that store drycleaning solvent located at this facility that may contain any product that is chlorine or petroleum based.

- E) The name of the owner of the land on which the drycleaning units are located.  
F) The name of the owner of the facility and drycleaning units.  
G) The name of the owner and operator of the business at the location, including the length of time the business has been in operation and how long the current operator has operated the business about the spill or leak.

2) General information about the spill or leak.

- A) When did the person filing the claim first learn about the spill or leak?  
B) How was the spill or leak discovered?

- C) When and how was the problem reported to the Illinois Emergency Management Agency or the Illinois Environmental Protection Agency?  
D) Information regarding the source of contamination.

- E) Information regarding an awareness of any person who has suffered bodily injury or property damage as a result of this release.  
F) Statement regarding whether the contamination has migrated beyond the property.

- G) Has a site investigation been prepared?

- H) Have cleanup activities commenced at the site?

- I) The name of the licensed professional engineer performing remediation on this site, if applicable.

3) General information about other insurance at the facility.

- A) Whether other insurance specifically providing pollution liability coverage has existed for this property. If the response is yes, provide the name of the company, policy number and a copy of the policy.

- B) Has the incident been reported to the insurance company?

- C) Has the person filing the claim requested payment from anyone else for costs associated with the claim? If the response is yes, provide information on the payment request from a third party.

- d) The following is a summary of general information that shall be completed on the claim reimbursement request form:

- 1) Claimant information, including name, address, social security or

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Federal Tax ID number. In addition, site information regarding where the remedial activities were performed, including site name, physical address and city.

- 2) Contractor information in the form of contractor name, address and telephone number.
- 3) Remediation activities. An indication of the activities that were completed and the amount being billed at this time.
- 4) Reimbursements from other programs. An indication of whether the claimant has applied for reimbursement from any other source for the invoices being submitted with this form.
- 5) Original invoices.
- 6) A summary of the eligible costs, broken down by cost category, and certification that the information is accurate and complete.
- 7) A schedule of detail to support the cost categories reported.

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- 1) Heading of the Part: Public Information
- 2) Code Citation: 2 Ill. Adm. Code 3100
- 3) Section Number:  

3100.10	Adopted Action:
3100.20	New Section
3100.30	New Section
3100.40	New Section
3100.50	New Section
3100.60	New Section
EXHIBIT A	New Section
EXHIBIT B	New Section
- 4) Statutory Authority: Implementing and authorized by the Drycleaner Environmental Response Trust Fund Act [415 ICS 135].
- 5) Effective Date of Rules: June 26, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file at the office of Williams & Company, the Third Party Administrator of the Drycleaner Council, located at 1000 Tower Lane, Suite 140, Bensenville, Illinois and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: January 1, 2000 (24 Ill. Reg. 195)
- 10) Has JCAR issued a Statement of Objections to these Rules? No
- 11) Differences between proposal and final version: In Exhibit B, Illustration D, added "a date within 14 working days after receipt of the request" and omitted last sentence.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these rules replace emergency rules currently in effect? Yes
- 14) Are there any amendments pending to this Part? No
- 15) Summary and Purpose of Rules: The rules establish the procedures the Drycleaner Environmental Response Trust Fund Council will follow in implementing the Freedom of Information Act in conjunction with the

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DRYCLEANER Environmental Response Trust Fund Act.  
TITLE 2: GOVERNMENTAL ORGANIZATION  
SUBTITLE 8: MISCELLANEOUS STATE AGENCIES

CHAPTER LXI: DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND COUNCIL OF ILLINOIS

PART 3100  
PUBLIC INFORMATION

- Section  
3100.10 Introduction  
3100.20 Definitions  
3100.30 Procedures for Requesting Public Records  
3100.40 Procedures for Council Response to Requests for Public Records  
3100.50 Procedures for Appeal of a Denial  
3100.60 Procedures for Providing Public Records to Requesters

- APPENDIX A Fee Schedule for Duplication of Public Records  
APPENDIX B Public Records Requests  
ILLUSTRATION A Request for Public Records  
ILLUSTRATION B Approval of Request for Public Records  
ILLUSTRATION C Partial Approval of Request  
ILLUSTRATION D Extension of Time for Disclosure  
ILLUSTRATION E Denial of Request  
ILLUSTRATION F Chairperson's Response to Appeal

AUTHORITY: Implementing the Freedom of Information Act [5 ILCS 140] and authorized by Section 20(a) of the Drycleaner Environmental Response Trust Fund Act [415 ILCS 135/20(a)].

SOURCE: Emergency rule adopted at 24 Ill. Reg. 325, effective January 1, 2000, for a maximum of 150 days; adopted at 24 Ill. Reg. 10183, effective JUN 26 2000.

Section 3100.10 Introduction

This Part is established to implement the provisions of the Freedom of Information Act [5 ILCS 140]. The purpose of this Part is to support the policy of providing public access to the public records in the possession of the Drycleaner Environmental Response Trust Fund Council of Illinois while, at the same time, protecting legitimate privacy interests and maintaining administrative efficiency.

Section 3100.20 Definitions

Terms used in this Part shall have the same meaning as in the Freedom of Information Act.

"Administrator" means the Administrator of the Drycleaner

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND  
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED RULES

DRYCLEANER Environmental Response Trust Fund Act.  
TITLE 2: GOVERNMENTAL ORGANIZATION  
SUBTITLE 8: MISCELLANEOUS STATE AGENCIES

CHAPTER LXI: DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND COUNCIL OF ILLINOIS

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Section 3100.10 Introduction

This Part is established to implement the provisions of the Freedom of Information Act [5 ILCS 140]. The purpose of this Part is to support the policy of providing public access to the public records in the possession of the Drycleaner Environmental Response Trust Fund Council of Illinois while, at the same time, protecting legitimate privacy interests and maintaining administrative efficiency.

Section 3100.20 Definitions

Terms used in this Part shall have the same meaning as in the Freedom of Information Act.

"Administrator" means the Administrator of the Drycleaner

16) Information and questions regarding these adopted rules shall be directed to:

H. Patrick Eriksen  
Administrator  
Drycleaner Environmental Response Trust Fund Council of Illinois  
PO Box 7380  
Bensenville IL 60106-7380  
(630) 741-0022

The full text of the adopted rules begins on the next page:

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND  
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED RULES

Environmental Response Trust Fund Council of Illinois.

"Council" means the Drycleaner Environmental Response Trust Fund Council of Illinois.

"FOIA" means the Freedom of Information Act.

"Freedom of Information Officer" means the Administrator of the Drycleaner Environmental Response Trust Fund Council of Illinois.

"Requester" means a person who submits a request for inspection or copying of public records in accordance with this Part.

**Section 3100.30 Procedures for Requesting Public Records**

- a) Person to Whom Requests are Submitted  
Requests for inspection or copying of public records shall be submitted to the Freedom of Information Officer of the Council. Requests shall be submitted to the following address:

Administrator  
Drycleaner Environmental Response Trust Fund Council of  
Illinois  
P.O. Box 7380  
Bensenville, Illinois 60106

- b) Form and Content of Requests

- 1) Requests must be made in accordance with FOIA. Requests may be submitted on FOIA request forms available from the Council.
- 2) The requester shall provide the following information in a request for inspection or copying of public records:
  - A) The requester's full name, address and telephone number;
  - B) A brief description of the public records sought, being as specific as possible;
  - C) Whether the request is for inspection of public records, copies of public records, or both.

**Section 3100.40 Procedures for Council Response to Requests for Public Records**

- a) Timeline for Council Response

- 1) The Council shall respond to a written request for inspection or copying of public records within 7 working days after receipt of the request.
- 2) The Council may give notice of an extension of time to respond that does not exceed an additional 7 working days. An extension is allowable only if written notice is provided within the original 7 working day time limit and only for reasons provided

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND  
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED RULES

in Section 3(d) of FOIA. Notice of extension shall state the reasons the extension is necessary.

- b) Types of Council Responses
  - 1) The Council shall respond to a request for inspection or copying of public records in one of three ways:

- A) Approve the request;
- B) Approve in part and deny in part;
- C) Deny the request.
- 2) Upon approval of a request for inspection or copying of public records, the Council may either make available the materials, give notice that the materials shall be made available upon payment of reproduction costs, or give notice of the time and place for inspection of records.
- 3) A denial of a request shall be made in writing. It shall state the reasons for the denial in accordance with either Section 3(f) or Section 7 of FOIA and the names and titles of individuals responsible for the decision. It shall also give notice of the requester's right to appeal to the Chairperson of the Council.
- 4) Categorical requests creating an undue burden upon the Council shall be denied only after extending to the requester an opportunity to confer with the Council in an attempt to reduce the request to manageable proportions in accordance with Section 3(f) of FOIA.
- 5) Failure to respond to a written request within 7 working days may be considered by the requester as a denial of the request.

**Section 3100.50 Procedures for Appeal of a Denial**

- a) Appeal of a Denial

- 1) A requester whose request has been denied by the Freedom of Information Officer may appeal the denial to the Chairperson of the Council. The notice of appeal shall be filed in writing within 14 working days after receipt of the denial and sent to:

Chairperson  
Drycleaner Environmental Response Trust Fund Council of  
Illinois  
P.O. Box 7380  
Bensenville, Illinois 60106

- 2) The notice of appeal shall include a copy of the original request, a copy of the denial received by the requester, and a statement of the reasons why the appeal should be granted.
- b) Chairperson's Response to Appeal  
The Chairperson shall respond to an appeal within 7 working days after receiving notice. The Chairperson shall either affirm the denial or provide access to the requested public records.



DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND  
COUNCIL OF ILLINOIS

## NOTICE OF ADOPTED RULES

## Section 3100.60 Procedures for Providing Public Records to Requesters

- a) Inspection of Public Records
  - 1) Inspection of records shall take place in and during normal working hours of the Administrator.
  - 2) Documents the requester wishes to have copied shall be segregated during the course of the inspection. Generally, all copying shall be done by the Administrator or his/her employees.
  - 3) An employee of the Administrator may be present throughout the inspection. A requester may be prohibited from bringing bags, brief cases, or other containers into the inspection room.
- b) Copies of Public Records
  - 1) Copies of public records shall be provided to the requester only upon payment of any charges due.
  - 2) Charges for copies of public records shall be assessed in accordance with the fee schedule in Appendix A of this Part.
  - 3) Charges shall be waived if the requester is a State Agency, a constitutional officer or a member of the General Assembly. Charges may be waived or reduced in any case where the Freedom of Information Officer determines that the waiver serves the public interest.
- c) General Materials Available from the Freedom of Information Officer
  - 1) The Freedom of Information Officer shall make available to the public at no charge the following materials:
    - a) A brief description of the organizational structure and budget of the Council;
    - b) A brief description of the means for requesting information and public records;
    - c) A list of the types and categories of public records maintained by the Council.

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND  
COUNCIL OF ILLINOIS

## NOTICE OF ADOPTED RULES

## Section 3100.APPENDIX A Fee Schedule for Duplication of Public Records

Type of Duplication	Charge
Paper copy from paper original	\$ .50/page
Paper copy from computer original	.50/page
Certification of Public Records	.50/certification
Some records possessed by the Council are in book or pamphlet form. A charge may be assessed for copying those materials based upon the copying cost incurred by the Council.	

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND  
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED RULES

Section 3100.APPENDIX B Public Records Requests

Section 3100.ILLUSTRATION A Request for Public Records

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND  
COUNCIL OF ILLINOIS  
P.O. Box 7380  
Bensenville, IL 60106

TO: Administrator  
Drycleaner Environmental Response  
Trust Fund Council of Illinois  
P.O. Box 7380  
Bensenville, Illinois 60106

FROM: Name \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone Number \_\_\_\_\_

DESCRIPTION OF REQUESTED RECORDS:

Please indicate if you wish to inspect the above captioned records or wish a copy of them:

Do you wish to have copies certified? \_\_\_\_\_  
\_\_\_\_\_ Inspection \_\_\_\_\_ Copy \_\_\_\_\_ Both \_\_\_\_\_

FOR OFFICE USE ONLY

\_\_\_\_\_ Date Received \_\_\_\_\_ Date Response Due \_\_\_\_\_

Notations re: Oral Communications or Other Items

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND  
COUNCIL OF ILLINOIS

NOTICE OF ADOPTED RULES

Section 3100.ILLUSTRATION B Approval of Request for Public Records

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND  
COUNCIL OF ILLINOIS  
P.O. Box 7380  
Bensenville, Illinois 60106

APPROVAL OF REQUEST FOR PUBLIC RECORDS

TO: Name \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone Number \_\_\_\_\_

FROM: Administrator  
Drycleaner Environmental  
Response Trust Fund Council  
of Illinois  
P.O. Box 7380  
Bensenville, Illinois 60106

DESCRIPTION OF REQUESTED RECORDS:

Your request dated \_\_\_\_\_ for the above captioned records has been approved.

\_\_\_\_\_ The documents you requested are enclosed.

\_\_\_\_\_ The documents will be made available upon payment of the copying costs in the amount of \_\_\_\_\_.

\_\_\_\_\_ You may inspect the records at \_\_\_\_\_ on \_\_\_\_\_  
\_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_ FOIA Officer \_\_\_\_\_ Date \_\_\_\_\_

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND  
COUNCIL OF ILLINOIS

## NOTICE OF ADOPTED RULES

## Section 3100. ILLUSTRATION C Partial Approval of Request

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND  
COUNCIL OF ILLINOIS  
P.O. Box 7380  
Bensenville, Illinois 60106

## PARTIAL APPROVAL OF REQUEST

TO: Name \_\_\_\_\_  
FROM: Administrator  
Drycleaner Environmental  
Response Trust Fund Council  
of Illinois  
P.O. Box 7380  
Bensenville, Illinois 60106  
Address \_\_\_\_\_  
Telephone Number \_\_\_\_\_

Pursuant to your written request of \_\_\_\_\_, enclosed you will find copies of the records you have requested. Please note that pursuant to Section 8 of the Freedom of Information Act, certain material originally contained in these records has been deleted because the material is exempt material under Section 7 of the Act.

FOIA Officer \_\_\_\_\_

Date \_\_\_\_\_

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND  
COUNCIL OF ILLINOIS

## NOTICE OF ADOPTED RULES

## Section 3100. ILLUSTRATION D Extension of Time for Disclosure

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND  
COUNCIL OF ILLINOIS  
P.O. Box 7380  
Bensenville, IL 60106

## EXTENSION OF TIME FOR DISCLOSURE

TO: Name \_\_\_\_\_  
FROM: Administrator  
Drycleaner Environmental  
Response Trust Fund Council  
of Illinois  
P.O. Box 7380  
Bensenville, IL 60106  
Address \_\_\_\_\_  
Telephone Number \_\_\_\_\_

We have been unable to fill your request for inspection or copying of public records of \_\_\_\_\_ for the reasons checked below:

Date \_\_\_\_\_

\_\_\_\_\_ The requested records are stored in another location.

\_\_\_\_\_ The request requires the collection of a large number of records.

\_\_\_\_\_ The request is categorical in nature and requires an extensive search. We have failed to locate the requested records in our initial attempt and the search is continuing.

\_\_\_\_\_ The requested records require examination by a competent person in order to determine which, if any, are exempt under Section 7 of the Act.

\_\_\_\_\_ It would unduly burden or interfere with the operations of the Council to fill the request within the initial 7 working days.

\_\_\_\_\_ There is a need for consultation with another public body that has a substantial interest in the determination or in the subject matter of the request.

The records you have requested will be available to you by \_\_\_\_\_ (a date within 14 working days after receipt of the request) or we will make a decision denying your request by that date.

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND  
COUNCIL OF ILLINOIS

## NOTICE OF ADOPTED RULES

FOIA Officer

Date

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND  
COUNCIL OF ILLINOIS

## NOTICE OF ADOPTED RULES

## Section 3100. ILLUSTRATION B Denial of Request

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND  
COUNCIL OF ILLINOIS  
P.O. Box 7380  
Bensenville, IL 60106

## DENIAL OF REQUEST

TO: \_\_\_\_\_

FROM: Administrator  
Drycleaner Environmental  
Response Trust Fund Council  
of Illinois  
P.O. Box 7380  
Bensenville, IL 60106

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

You are hereby notified that your request for the disclosure of:

is hereby denied and the reason for the denial is as follows:

(reason for denial, stating the basis in FOIA)

The person or persons making this decision to deny and their title or titles  
are set forth below:

Name \_\_\_\_\_ Official Title \_\_\_\_\_

You are hereby further notified that you have the right to appeal this decision to the Chairperson of the Drycleaner Environmental Response Trust Fund Council of Illinois who, under the Illinois Freedom of Information Act, will make a decision either to affirm the denial of disclosure or to allow disclosure within 7 working days after you file a notice of appeal. Such letter or request should be filed within 14 days after your receipt of this letter. If the decision to deny your request for disclosure was made by the Chairperson of the Drycleaner Environmental Response Trust Fund Council of Illinois, you have the right to appeal the decision of the Chairperson to the Circuit Court for the county where the Council has its principal office or where you reside, under Section 11 of the Freedom of Information Act.



DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND  
COUNCIL OF ILLINOIS

## NOTICE OF ADOPTED RULES

FOIA Officer

\_\_\_\_\_  
DateDRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND  
COUNCIL OF ILLINOIS

## NOTICE OF ADOPTED RULES

## Section 3100. ILLUSTRATION F Chairperson's Response to Appeal

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND  
COUNCIL OF ILLINOIS  
P.O. Box 7380  
Bensenville, IL 60106CHAIRPERSON'S RESPONSE TO APPEAL

## TO: \_\_\_\_\_

Name

FROM: Chairperson

Drycleaner Environmental  
Response Trust Fund Council  
of Illinois  
P.O. Box 7380  
Bensenville, IL 60106\_\_\_\_\_  
Address\_\_\_\_\_  
Telephone

## DESCRIPTION OF REQUESTED RECORDS:

Noted below is the action I have taken on your appeal from the denial of your request for the above-captioned records:

\_\_\_\_ I hereby approve your appeal to the following extent and for the following reasons:

\_\_\_\_ I affirm the denial of your request made by the Freedom of Information Officer.

You are entitled to judicial review of any denial pursuant to Section 11 of the Freedom of Information Act.

\_\_\_\_\_  
Chairperson\_\_\_\_\_  
Date

DEPARTMENT OF HUMAN SERVICES  
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Food Stamps
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Numbers: Adopted Action:  
121.90 Repeated  
121.91 Repeated  
121.92 Amendment  
121.145
- 4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].
- 5) Effective Date of Amendments: June 27, 2000
- 6) Does this amendment contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: March 30, 2000, 24 Ill. Reg. 3726

- 10) Has JCAR Issued a Statement of Objection to this these Amendments? No
- 11) Differences between proposal and final version: In Section 121.145 h) it was agreed to insert the following language: Non-FANF clients who experience a decrease in income below the amount anticipated may request an increase of benefits at any time during the quarter. Those clients will have their food stamp benefits adjusted the next fiscal month.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect?  
Yes

- 14) Are there any amendments pending on this Part: Yes

- |                                  |                                     |  |
|----------------------------------|-------------------------------------|--|
| <u>Section Numbers</u><br>121.63 | <u>Proposed Action</u><br>Amendment | <u>Illinois Register Citation</u><br>24 Ill. Reg. 8186 - 6/16/00 |
|----------------------------------|-------------------------------------|--|
- 15) Summary and Purpose of Amendments: The Department was granted permission by the Food and Nutrition Service to expand the use of quarterly reporting

DEPARTMENT OF HUMAN SERVICES  
NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding this adopted amendment shall be directed to:  
  
for all food stamp households with earnings or with a member who lost a job in the last three months. Including all earned income households in the quarterly reporting system will simplify procedures for staff a clients. Monthly reporting will no longer be used.

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor, Harris Bldg.  
Springfield, Illinois 62762  
Telephone number: (217) 785-9772

The full text of adopted amendments begins on the next page:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER B: ASSISTANCE PROGRAMS

PART 121  
FOOD STAMPS

## SUBPART A: APPLICATION PROCEDURES

Section	
121.1	Application for Assistance
121.2	Time Limitations on the Disposition of an Application
121.3	Approval of an Application and Initial Authorization of Assistance
121.4	Denial of an Application
121.5	Client Cooperation
121.6	Emergency Assistance
121.7	Expedited Services
121.10	Interviews

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
121.18	Work Requirement
121.19	Ending a Voluntary Quit Disqualification (Repealed)
121.20	Citizenship
121.21	Residence
121.22	Social Security Numbers
121.23	Work Registration/Participation Requirements
121.24	Individuals Exempt From Work Registration Requirements
121.25	Failure to Comply with Work Provisions
121.26	Period of Sanction
121.27	Voluntary Job Quit/Reduction in Work Hours
121.28	Good Cause for Voluntary Job Quit
121.29	Exemptions from Voluntary Quit/Reduction in Work Hour Rules

## SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section	
121.30	Unearned Income
121.31	Exempt Unearned Income
121.32	Education Benefits
121.33	Unearned Income In-Kind
121.34	Lump Sum Payments and Income Tax Refunds
121.40	Earned Income
121.41	Budgeting Earned Income
121.50	Exempt Earned Income
121.51	Income from Work/Study/Training Programs
121.52	Earned Income from Roomer and Boarder

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Income From Rental Property  
Earned Income In-Kind  
Sponsors of Aliens  
Assets  
Exempt Assets  
Asset Disregards

## SUBPART D: ELIGIBILITY STANDARDS

Section	
121.60	Net Monthly Income Eligibility Standards
121.61	Gross Monthly Income Eligibility Standards
121.62	Income Which Must Be Annualized
121.63	Deductions From Monthly Income
121.64	Food Stamp Benefit Amount

## SUBPART E: HOUSEHOLD CONCEPT

Section	
121.70	Composition of the Assistance Unit
121.71	Living Arrangement
121.72	Nonhousehold Members
121.73	Ineligible Household Members
121.74	Strikers
121.75	Students
121.76	Households Receiving AFDC, SSI, Interim Assistance and/or GA -
	Categorical Eligibility

## SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section	
121.80	Fraud Disqualification (Renumbered)
121.81	Initiation of Administrative Fraud Hearing (Repealed)
121.82	Definition of Fraud (Renumbered)
121.83	Notification To Applicant Households (Renumbered)
121.84	Disqualification Upon Finding of Fraud (Renumbered)
121.85	Court Imposed Disqualification (Renumbered)
121.90	Monthly Reporting and Retrospective Budgeting (Repealed)
121.91	Monthly Reporting (Repealed)
121.92	Retrospective Budgeting
121.93	Issuance of Food Stamp Benefits
121.94	Replacement of the EBT Card or Food Stamp Benefits
121.95	Restoration of Lost Benefits
121.96	Uses For Food Coupons
121.97	Supplemental Payments
121.98	Client Training for the Electronic Benefits Transfer (EBT) System
121.105	State Food Program (Repealed)
121.107	New State Food Program

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

121.120 Recertification of Eligibility  
 121.130 Residents of Shelters for Battered Women and their Children  
 121.131 Fleeing Felons and Probation/Parole Violators  
 121.135 Incorporation By Reference  
 121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic  
 Treatment Centers  
 121.145 Quarterly Reporting

## SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section  
 121.150 Definition of Intentional Violations of the Program  
 121.151 Penalties for Intentional Violations of the Program  
 121.152 Notification To Applicant Households  
 121.153 Disqualification Upon Finding of Intentional Violation of the Program  
 121.154 Court Imposed Disqualification

## SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section  
 121.160 Persons Required to Participate  
 121.162 Participation and Cooperation Requirements  
 121.164 Orientation  
 121.166 Assessment and Employability Plan  
 121.170 Job Search Component  
 121.172 Basic Education Component  
 121.174 Job Readiness Component  
 121.176 Work Experience Component  
 121.177 Illinois Works Component  
 121.178 Job Training Component  
 121.179 JTPA Employability Services Component  
 121.180 Grant Diversion Component (Repealed)  
 121.182 Earnfare Component  
 121.184 Sanctions  
 121.186 Good Cause for Failure to Cooperate  
 121.188 Supportive Services  
 121.190 Conciliation and Fair Hearings  
 121.200 Types of Claims (Recodified)  
 121.201 Establishing a Claim for Intentional Violation of the Program  
 (Recodified)  
 121.202 Establishing a Claim for Unintentional Household Errors and  
 Administrative Errors (Recodified)  
 121.203 Collecting Claim Against Households (Recodified)  
 121.204 Failure to Respond to Initial Demand Letter (Recodified)  
 121.205 Methods of Repayment of Food Stamp Claims (Recodified)  
 121.206 Determination of Monthly Allowment Reductions (Recodified)  
 121.207 Failure to Make Payment in Accordance with Repayment Schedule  
 (Recodified)

## ILLINOIS REGISTER

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

121.208 Suspension and Termination of Claims (Recodified)

## SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

Section  
 121.220 Work Requirement Components  
 121.221 Meeting the Work Requirement with the Earnfare Component  
 121.222 Volunteer Community Work Component  
 121.223 Work Experience Component  
 121.224 Supportive Service Payments to Meet the Work Requirement  
 121.225 Meeting the Work Requirement with the Illinois Works Component  
 121.226 Meeting the Work Requirement with the JTPA Employability Services  
 Component  
 AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by  
 Section 12-13 of the Illinois Public Aid Code (305 ILCS 5/12-4.4 through 12-4.6  
 and 12-13).

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective  
 February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979;  
 amended at 3 Ill. Reg. 35, p. 399, effective August 18, 1979; amended at 3 Ill.  
 Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230,  
 effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October  
 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended  
 at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 3,  
 p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p.  
 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 10, p. 253, effective  
 February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980;  
 emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980; for  
 maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2,  
 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at  
 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131,  
 effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15,  
 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended  
 at 5 Ill. Reg. 7077, effective June 23, 1981; peremptory amendment at 5 Ill.  
 Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective  
 October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981;  
 amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg.  
 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1,  
 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill.  
 Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318,  
 effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1,  
 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill.  
 Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7  
 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg.  
 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective  
 October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November



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18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 13, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg.

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15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 1624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; peremptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6649, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; peremptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. **10198**, effective JUN 27 2000.

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## SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

## Section 121.90 Monthly Reporting and Retrospective Budgeting (Repealed)

Monthly-Reporting-and-Retrospective-Budgeting-in-the-Food-Stamp-program-are governed-by-7-CCR-293.21 (May-25, 1992). The following Section covers aspects of Monthly-Reporting-and-Retrospective-Budgeting-in-Food-Stamp-which-are unique-to-Illinois-and-are-not-mandated-but-permitted-by-the-Federal Regulations.

(Source: Amended at 24 Ill. Reg. 10198, effective JUN 27 2000)

## Section 121.91 Monthly Reporting (Repealed)

a) Individuals-who-receive-income-from-a-sheltered-workshop-and individuals-who-receive-public-assistance-benefits-under-the-Aid-to the-Aged-Blind-or-Disabled-program-as-either-an-Aged-Blind-or Disabled-case-are-excluded-from-monthly-reporting-unless-another household-member-is-required-to-report-monthly-as-defined-in-7-CCR 293.21-and-subsections-(b)(1), (2)-and-(3)-of-this-Section;

b) Excluding-WAMP-cash-assistance-clients-who-report-quarterly-(see Section-121.145)-the-following-food-stamp-households-are-required-to report-monthly:

- 1) all-households-having-at-least-one-member-receiving-earned-income (see-Section-121.46(b));
- 2) households-having-at-least-one-member-receiving-Unemployment Insurance-Benefits-(UI);
- 3) households-having-at-least-one-member-who-has-lost-employment within-the-last-three-months;

c) Migrant-households-in-the-migrant-job-stream-do-not-have-to-report monthly;

d) The-report-shall-include:

- 1) income-and-other-circumstances-relevant-to-the-amount-of-the-food stamp-allowance-and
- 2) changes-in-income-household-composition-and-bank-accounts affecting-eligibility-which-the-household-expects-to-occur-in-the current-month-or-future-months-or-which-occurred-in-the-budget month;

e) With-monthly-reporting-the-household-is-required-to-provide verification-of-the-following-information-each-month:

- 1) gross-earned-income-(for-example-pay-stub); and
- 2) questionable-information-(information-is-considered-questionable if-information-on-the-Monthly-Report-does-not-agree-with statements-of-the-recipient-other-information-on-the-Monthly Report-or-other-information-received-by-the-local-office).

f) The-household-is-required-to-provide-verification-of-gross-earned income-each-month-if-the-information-has-changed-since-the-last

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## report:

g) if-the-household-does-not-provide-the-required-verification-the following-actions-are-taken:

- 1) earned-income--the-Monthly-Report-is-considered-incomplete--and food-stamp-benefits-are-suspended;
- 2) all-other-required-verifications;
- A) all-benefits-are-decreased--if-the-unverified-reported-change results-in-a-decrease-or
- B) if-benefits-would-increase-as-a-result-of-the-unverified reported-change-then-no-action-is-taken;
- h) All-food-stamp-households-which-must-report-monthly-shall-have benefits-calculated-by-considering-income-and-attendant-circumstances (except-shelter-costs-which-are-budgeted-prospectively)-on-a retrospective-basis;
- i) The-Monthly-Report-must-be-received-or-postmarked-by-the-seventh-day-of-the-next-fiscal-month-or-the-first-workday-following-the-seventh day-of-the-next-fiscal-month-when-the-seventh-is-a-Saturday-Sunday-or holiday--if-a-household-files-a-complete-report-after-the-scheduled due-date-but-before-the-household-has-been-terminated-the-household shall-be-reinstated-if-determined-eligible--(See-89 Ill. Adm. Code 101.20-for-a-definition-of-a-fiscal-month.);

j) At-recertification-the-household-must-complete-a-Request-for-Food Stamps--This-Request-for-Food-Stamps-along-with-the-Monthly-Report form-is-the-application-for-recertification;

k) In-lieu-of-a-monthly-report-General-Assistance-(GA)-recipients-in-the City-of-Chicago-who-are-food-stamp-heads-of-households-must-comply with-a-review-of-their-food-stamp-eligibility-which-will-occur-in conjunction-with-any-redetermination-of-General-Assistance-(See-89 Ill. Adm. Code-124.430)--the-review-will-cover-those-elements specified-in-subsection-(d)-of-this-Section--Verification-of eligibility-factors-will-be-required-as-specified-in-subsection-(e)-of this-Section--This-review-is-in-addition-to-regular-recertification which-will-occur-once-every-12-months.

(Source: Amended at 24 Ill. Reg. 10198, effective JUN 27 2000)

## Section 121.92 Retrospective Budgeting

a) At initial application, income and attendant circumstances shall be budgeted on a prospective basis before beginning retrospective budgeting. Shelter costs shall be prospectively budgeted at all times.

b) All food stamp households, except migrant households who are in the migrant job stream, households where all adult members are elderly or disabled as defined at Section 121.61 and having no earned income or having only exempt earned income, households where all members are homeless and cases in quarterly reporting, shall have income and

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(Source: Amended at 24 Ill. Reg. 10198, effective June 2, 2000)

## Section 121.145 Quarterly Reporting

- a) Individuals who receive income from a sheltered workshop and individuals who receive public assistance benefits under the Aid to the Aged, Blind or Disabled program as either an aged, blind, or disabled case are excluded from quarterly reporting, unless another household member is required to report quarterly as defined in Subsection (C) of this Section. On a quarterly basis, all TANF cash assistance units which contain a member who is employed or who has lost employment within the last three months must submit a completed written report from the department. The food stamp household's income, assets, family composition, and other factors pertinent to eligibility for the budget month and any changes in these factors which the unit expects to occur in the current month or in future months, shall be reported.
- b) Migrant households in the migrant job stream and households in which all members are homeless do not have to report quarterly.
- c) Food stamp households are required to submit a completed written report from each quarter if a member has earned income (see Section 121.40(b)) or a member lost employment within the last three months.
- d) The food stamp household's income for the calendar month the form is received shall be reported as well as assets, family composition and other factors pertinent to food stamp eligibility which have changed since the last report form and changes which are expected to occur in the next 3 months.
- e) The household is required to provide verification of the following information each quarter:
  - 1) gross earned income (for example, pay stubs); and
  - 2) gross unearned income, if a change is reported; and
  - 3) questionable information (information is considered questionable if information on the report form does not agree with statement of the recipient, other information on the report form or other information received by the local office).
- f) Food stamp households which must report quarterly shall have benefits calculated for three months by considering income and attendant circumstances on a prospective basis.
- g) Earnings shall be budgeted prospectively for a three-month period based on the quarterly report provided by the client. Income averaging will be used to determine the amount of income to budget for a three-month period.
- h) TANF clients ~~clients~~ who experience a decrease in income below the amount anticipated may be eligible for supplemental food stamp benefits. A written request for supplemental TANF cash benefits is also considered a request for supplemental food stamp benefits. Eligibility for supplemental food stamp benefits may exist if the

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- c) attendant circumstances, except shelter costs, budgeted on a retrospective basis. Shelter costs shall be prospectively budgeted. For households where the head of the household receives cash assistance from the department, eligibility for food stamps is first determined on a prospective basis for all eligibility factors. If eligible on this prospective basis, the actual amount of benefits the household is entitled to receive shall be determined by budgeting income and attendant circumstances, except shelter costs, retrospectively. Shelter costs shall be budgeted prospectively. For TANF and RRA households eligible on a prospective basis, the benefit amount is computed in the same manner as the cash payment beginning the second regular month of cash assistance.
- d) For households where the head of the household does not receive cash assistance from the department, eligibility and the amount of benefits shall be determined retrospectively. Shelter costs shall be budgeted prospectively.
- e) If a household becomes ineligible for food stamps due to a periodic increase in recurring income (for example, a wage earner is paid every Friday--and there are five rather than four paydays in a budget month) the household shall be suspended for a month rather than terminated.
- f) The budget month is the fiscal month from which the department uses actual income and attendant circumstances, except shelter costs which are budgeted prospectively, to determine the amount of benefits the household is entitled to receive. The payment month is the fiscal month which the food stamp benefits cover. The payment month is the second fiscal month following the budget month for cases subject to retrospective budgeting.
- g) The budget month and payment month for each food stamp case are determined by the schedule the household is in, which schedule also governs the approximate availability date of the food stamp benefits:
 

SCHEDULE NUMBER	BUDGET MONTH AND PAYMENT MONTH DATES
00	1st through last day of Calendar Month
01	1st through last day of Calendar Month
02	1st through last day of Calendar Month
03	1st through last day of Calendar Month
04	7th through 6th day of Calendar Month
05	10th through 9th day of Calendar Month
06	14th through 13th day of Calendar Month
07	17th through 16th day of Calendar Month
08	20th through 19th day of Calendar Month
09	22nd through 21st day of Calendar Month
- h) The above table applies to all food stamp households--whether or not they report monthly--and food stamp benefits are available at or near the beginning of the payment month.



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gross earned (minus self-employment business expenses, if any) and unearned income (including the assistance payment) received from all sources for the payment month is less than the TANF payment level for an assistance unit of comparable size. If these conditions are met, the amount of food stamp benefits that the client is eligible to receive for the payment month is determined using the amount of income anticipated for the payment month. The amount of the supplemental food stamp benefit is the difference. Non-TANF clients who experience a decrease in income below the amount anticipated may request an increase in benefits at any time during the quarter. Those clients will have their food stamp benefits adjusted the next fiscal month.

(i) Clients who experience an increase in income above the amount anticipated will not be referred for an overpayment based on the increased income.

(j) The Department will determine if eligibility continues and process any adjustments to the food stamp benefit level once the completed quarterly report is received. The Department will notify the household of any changes in the benefit level and the reason or reasons for the change. The notification will be mailed to arrive no later than the day the food stamp benefits would be available, if the food stamp benefit level is being reduced or terminated as a result of information contained in the report.

(k) Food stamp benefits may be terminated if the Department does not receive the quarterly report or receives only an incomplete report. The Department must send the household a notice of the action to arrive not later than the date the benefits would have been available if the Department had received a completed report on time. The Department will promptly notify the client of the right to a fair hearing and the right to have benefits reinstated if the household is found ineligible or eligible for an amount less than that of the prior month. Benefits will be reinstated to the level of the prior month, if a hearing is requested on or before the date of change or within 10 calendar days after the date of notice, whichever is later.

(l) Eligibility for the entire three-month period will be determined, if a completed report form is received by the end of the first payment month of the three-month period for which the report is used to determine eligibility.

(m) Eligibility for the month of receipt and the third month, if applicable, will be determined, if a completed report form is received after the last calendar day of the first payment month of the three-month period for which the report is used to determine eligibility. Eligibility for food stamp benefits for the first payment month of the three-month period shall not exist.

(n) Persons who are required to file quarterly reports will be notified of their responsibility, receive a complete explanation of the requirements and be informed of the due date for the first report. At recertification, the household must complete a Request for Food Stamps. This Request for Food Stamps, along with the most recent

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(p) In lieu of a quarterly report, General Assistance (GA) recipients in the City of Chicago, who are food stamp payees, must comply with a review of their food stamp eligibility which will occur in conjunction with any redetermination of General Assistance. (See 89 Ill. Adm. Code 114.420.) The review will cover those elements specified in subsection (d) of this Section. Verification of eligibility factors will be required as specified in subsection (e) of this Section. This review is in addition to regular recertification which will occur once every 12 months.

(Source: Amended at 24 Ill. Reg. 10198, effective  
JUN 27 2000)



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- 1) Heading of the Part: Provider Requirements, Type Services, and Rates of Payment

directed to:

- 2) Code Citation: 89 Ill. Adm. Code 686

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor, Harris Bldg.  
Springfield, Illinois 62762  
(217) 785-9772

- 3) Section Numbers: Adopted Action:

686.350 Amended  
686.620 Amended

- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

The full text of adopted amendments begins on the next page:

- 5) Effective Date of Rulemaking: July 1, 2000

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this amendment contain incorporations by reference? No

- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: November 5, 1999, 23 Ill. Reg. 13330

- 10) Has JCAR Issued a Statement of Objection to this rulemaking? No

- 11) Differences between proposal and final version: None

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this amendment replace an emergency amendment currently in effect?  
No

- 14) Are there any amendments pending on this Part: No

- 15) Summary and Purpose of Amendment: This rulemaking amends two Sections of this Part. The first amendment removes the specific rates for Electronic Home Response Systems for both ongoing service and look up. These rates are no longer valid and have restricted the use of this cost effective service. This amendment allows HSP staff to negotiate rates as needed. The second change clarifies the landlords need to know that any environmental remodeling to the building will not be removed at HSP expense, if the customer no longer needs it or has left the residence.

- 16) Information and questions regarding this adopted amendment shall be

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TITLE 99: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER G: HOME SERVICES PROGRAM

## PART 686

## PROVIDER REQUIREMENTS, TYPE SERVICES, AND RATES OF PAYMENT

## SUBPART A: PERSONAL ASSISTANTS

Section  
686.10  
686.20  
686.25  
686.30  
686.40

Personal Assistant (PA) Requirements  
Services Which May Be Provided by a PA  
Criminal Background Check  
Annual Review of PA Performance  
Payment for PA Services

## SUBPART B: ADULT DAY CARE PROVIDERS

Section  
686.100  
686.110  
686.120  
686.130  
686.140

Adult Day Care (ADC) Provider Requirements  
Services Which Must Be Provided by ADC Providers  
Compliance Review of ADC Providers  
Appeal of Compliance Review for ADC Providers  
Payment for ADC Services

## SUBPART C: HOMEMAKER SERVICES

Section  
686.200  
686.210  
686.220  
686.230  
686.240  
686.250  
686.260  
686.270  
686.280

Homemaker Service Provider Requirements  
Services Which Must Be Provided by Homemaker Agencies  
Compliance Review of Homemaker Agencies  
Appeal of Compliance Review for Homemaker Agencies  
Payment for Homemaker Services  
Financial Reporting of Homemaker Services  
Unallowable Costs for Homemaker Service  
Minimum Direct Service Worker Costs for Homemaker Services  
Cost Categories for Homemaker Services

## SUBPART D: ELECTRONIC HOME RESPONSE SERVICES

Section  
686.300  
686.310  
686.320  
686.330  
686.340

Electronic Home Response Services (EHRs) Provider Requirements  
Services Which Must Be Provided by EHRs Providers  
Minimum Specifications for EHRs Equipment  
Compliance Review of EHRs Providers  
Appeal of Compliance Review for EHRs Providers  
Rate of Payment for EHRs Services

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## SUBPART E: MAINTENANCE HOME HEALTH SERVICE

Section  
686.400  
686.410

Maintenance Home Health Provider Requirements  
Rate of Payment for Maintenance Home Health Services

## SUBPART F: HOME DELIVERED MEALS

Section  
686.500  
686.510

Home Delivered Meals Provider Requirements  
Rate of Payment for Home Delivered Meals

## SUBPART G: ENVIRONMENTAL MODIFICATION

686.600  
686.610  
686.620  
686.630  
686.640

Environmental Modification Provider Requirements  
Cost of Environmental Modification  
Permanency of Environmental Modification  
Reason for Denial of Environmental Modification  
Verification of Environmental Modification

## SUBPART H: ASSISTIVE EQUIPMENT

Section  
686.700  
686.710  
686.720

Assistive Equipment Provider Requirements  
Provision of Assistive Equipment  
Verification of Receipt of Assistive Equipment

## SUBPART I: RESPITE CARE

Section  
686.800

Respite Care Provider Requirements

## SUBPART J: CASE MANAGEMENT SERVICES TO PERSONS WITH AIDS

Section  
686.900  
686.910  
686.920  
686.930  
686.940

Program Overview  
Case Management Provider Responsibilities  
Provider Staffing Requirements, Qualifications, and Training  
Monitoring and Liability of Provider  
Provider Compliance Requirements

## SUBPART K: CASE MANAGEMENT SERVICES TO PERSONS WITH BRAIN INJURIES

Section  
686.1000  
686.1010  
686.1020  
686.1025

Program Overview  
Case Management Provider Responsibilities  
Case Manager Staffing Requirements, Qualifications and Training  
Provisional Case Manager

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686.1030 Monitoring and Liability  
686.1040 Provider Compliance Requirements

SUBPART L: BEHAVIORAL SERVICES FOR PERSONS WITH BRAIN INJURIES

Section  
686.1100 Behavioral Services Provider Requirements  
686.1110 Rate of Payment for Behavioral Services

SUBPART M: DAY HABILITATION SERVICES FOR PERSONS WITH BRAIN INJURIES

Section  
686.1200 Day Habilitation Services Provider Requirements  
686.1210 Rate of Payment for Day Habilitation Services

SUBPART N: PREVOCATIONAL SERVICES FOR PERSONS WITH BRAIN INJURIES

Section  
686.1300 Prevocational Services Provider Requirements  
686.1310 Rate of Payment for Prevocational Services

SUBPART O: SUPPORTED EMPLOYMENT SERVICES FOR PERSONS WITH BRAIN INJURIES

Section  
686.1400 Supported Employment Service Provider Requirements  
686.1410 Rate of Pay for Supported Employment Services

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 19 Ill. Reg. 5104, effective March 21, 1995; amended at 20 Ill. Reg. 12479, effective August 28, 1996; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 22 Ill. Reg. 18945, effective October 1, 1998; amended at 22 Ill. Reg. 19262, effective October 1, 1998; amended at 23 Ill. Reg. 499, effective December 22, 1998; amended at 23 Ill. Reg. 6457, effective May 17, 1999; amended at 24 Ill. Reg. 7501, effective May 6, 2000; amended at 24 Ill. Reg. 10212, effective Jul-1-2000.

SUBPART D: ELECTRONIC HOME RESPONSE SERVICES

Section 686.350 Rate of Payment for EHRs Services

a) Installation

DHS-ORS shall pay up to the rate negotiated 675 as a one time installation fee for the installation of the EHRs unit, plus the charge of the local telephone company for telephone service hook up for those customers who do not have local telephone service at the

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time EHRs services are initiated.

- b) Monthly Service Fees  
DHS-ORS shall pay no more than the rate negotiated 670-per-month for EHRs services, including all fees and charges. DHS-ORS will not pay the cost of the monthly local telephone services required to have EHRs.

(Source: Amended at 24 Ill. Reg. 10212, effective Jul-1-2000)

SUBPART G: ENVIRONMENTAL MODIFICATION

Section 686.620 Permanency of Environmental Modification

For environmental modifications which cannot be detached from the dwelling, the home must be owned by the customer or other family member living in the home. or the customer, with the assistance of the counselor, must obtain written permission of the landlord to make the modifications and to ensure that the landlord understands the permanency of the modification and DHS-ORS inability to return the building to its previous condition.

(Source: Amended at 24 Ill. Reg. 10212, effective Jul-1-2000)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Purchasing

2) Code Citation: 44 Ill. Adm. Code 1175

3) Section Numbers: 1175.100  
Proposed Action:  
Repeal

4) Statutory Authority: Implementing the Illinois Purchasing Act [30 ILCS 505] and authorized by Section 3(i) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(i)].

5) Effective Date of Repeal: June 27, 2000

6) Does this repealer contain an automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: April 7, 2000, 24 Ill. Reg. 5814

10) Has JCARE issued a Statement of Objection to this repealer? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCARE been made as indicated in the agreement letter issued by JCARE? Yes

13) Will this repealer replace an emergency repealer currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Repealer: This rulemaking will repeal this Section. The Section deals with purchasing practices of the Office of Rehabilitation Services. The rule was promulgated in 1975 to exclude purchases of services and equipment for ORS customers. At that time, the Illinois purchasing practices were too cumbersome to allow the quickness and freedom needed to address individual's needs. Recently, this rule was reviewed by the Department and ORS and the Department of Central Management Services. It was concluded that action be taken by DHS to repeal this rule since the current State purchasing practices now allow these individually specific types of purchases.

16) Information and questions regarding this adopted repealer shall be directed to:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED REPEALER

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor, Harris Bldg.  
Springfield, Illinois 62762  
Telephone number: (217) 785-9772



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Service Planning and Provision2) Code Citation: 89 Ill. Adm. Code 6843) Section Numbers:  
684.90      Proposed Action:  
Amend4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].5) Effective Date of Rulemaking: June 27, 20006) Does this rulemaking contain an automatic repeal date? No7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: March 17, 2000, 24 Ill. Reg. 400410) Has JCAR issued a Statement of Objection to this rulemaking? No11) Differences between proposal and final version: None12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes13) Will this amendment replace an emergency amendment currently in effect?  
No14) Are there any amendments pending on this Part: No15) Summary and Purpose of Amendments: This rulemaking will amend the section on coordination of the Home Services Program and other services to remove the limitation on the provision of home services to customers receiving vocational rehabilitation services. This amendment will allow a customer to be served concurrently by both programs.16) Information and questions regarding this adopted amendment shall be directed to:  
Ms. Susan Weir, Bureau Chief  
Administrative Rules & Procedures (217) 785-9772  
Department of Human Services  
100 South Grand Avenue East, 3rd Fl.  
Springfield, Illinois 62762

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

The full text of adopted amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 684  
SERVICE PLANNING AND PROVISION

Section	Service Plan
684.10	Procuring an Appropriate Service Provider
684.20	Family Members as Service Providers
684.30	Distribution of the Service Plan
684.40	Service Plan Content
684.50	Provision of Services
684.60	Service Planning Limitations
684.70	Required Physician's Certification of HSP Service Plan
684.80	Interim Services
684.90	Coordination of HSP and Other Services
684.100	Denial or Termination of HSP Services

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 19 Ill. Reg. 5129, effective March 21, 1995; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 22 Ill. Reg. 18955, effective October 1, 1998; amended at 23 Ill. Reg. 6470, effective May 17, 1999; amended at 23 Ill. Reg. 12644, effective October 4, 1999; amended at 24 Ill. Reg. 2687, effective February 2, 2000; amended at 24 Ill. Reg. 10220, effective JUN 27 2000.

Section 684.90 Coordination of HSP and Other Services

- a) During any period covered by a DHS-GRS Vocational Rehabilitation-(VR) Program-(09---Ill---Adm---Code---Subchapter---a)---individualized-Written Rehabilitation Program-(IWRP)-(09---Ill---Adm---Code-572)---which-is developed-to-allow-the-provision-of-training-services-to-a-customer, no-services-through-HSP-may-be-provided---if-the-customer-has-an active-HSP-case-and-is-receiving-services-at-the-time-the-IWRP commences-the-customer's-HSP-case-must-be-moved-to-inactive-status-or closed;
- b) Services-may-be-provided-to-a-customer-receiving-those-VR-services described-in-subsection-(a)-above-during-breaks-from-the-training facility-as-long-as-no-duplicate-services-are-being-provided-through the-VR-Program;
- a e) No HSP services may be provided to an individual who is a student under the age of 21 during the hours covered by the individual's Individualized Education Plan (IEP). Services for which the customer

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is determined eligible through HSP may be provided during the period the customer is not receiving services through his/her IEP.

b d) Customers receiving services through HSP must, at the earliest possible date, apply for and accept, if eligible, all other benefits which may affect HSP eligibility or services.

c e) All individuals applying for HSP services on-or-after-October-17-1997, must apply for, and have an eligibility determination made for, Medicaid benefits through DFA. Customers in an active service status prior to October 1, 1991, may choose to apply for Medicaid.

(Source: Amended at 24 Ill. Reg. 10220, effective JUN 27 2000.)

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Annual Privilege Tax

2) Code Citation: 50 Ill. Adm. Code 2510

3) Section Number: Adopted Action:  
2510.60 Amended

4) Statutory Authority: Implementing Section 409 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401 and 409].

5) Effective Date of amendment: July 1, 2000

6) Does this amendment contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: January 14, 2000, 24 Ill. Reg. 420

10) Has JCAR issued a Statement of Objection to this amendment? No

11) Differences between proposal and final version: None

12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this amendment replace an emergency amendment currently in effect?  
No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of rulemaking: Clarification as to which base of business is to be used when allocating the premiums on a Unitary group basis for taxation. The company is to use Illinois premium in its calculation.

16) Information and questions regarding this adopted amendment shall be directed to:

Chuck Feinen  
Department of Insurance  
320 West Washington  
Springfield, Illinois 62767-0001  
(217) 782-2867

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

The full text of the adopted amendment begins on the next page.

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TITLE 50: INSURANCE  
CHAPTER I: DEPARTMENT OF INSURANCE  
SUBCHAPTER ee: FEES, CHARGES AND TAXES

## PART 2510

## ANNUAL PRIVILEGE TAX

Purpose	Section
Applicability	2510.10
Severability	2510.20
Definitions	2510.30
Calculation of Annual Privilege Tax Amount	2510.40
Deductions to Annual Privilege Tax Amount	2510.50
Payment Schedule for the Annual Privilege Tax	2510.60
Annual Privilege Tax Allocation	2510.70
Reorganization, or Reincorporation	2510.80
Annual Privilege Tax Filing Requirements	2510.90
Waiver, Deferment, or Abatement of the Annual Privilege Tax	2510.100
Civil Penalties and Interest	2510.110
Hearings	2510.120

## ILLUSTRATION A Calculation of the Annual Privilege Tax

## ILLUSTRATION B Unitary Group Allocation Calculation

## ILLUSTRATION C Annual Privilege and Retaliatory Tax Return and Quarterly Tax Statement

## ILLUSTRATION D Direct Business in the State of Illinois

AUTHORITY: Implementing Section 409 and authorized by Sections 401 and 409(5) of the Illinois Insurance Code [215 ILCS 5/401, 409 and 409(5)].

SOURCE: Adopted at 73 Ill. Reg. 209, effective December 21, 1998; amended at 24 Ill. Reg. 10224, effective 1/1/2001.

## Section 2510.60 Deductions to Annual Privilege Tax Amount

- a) The total annual privilege tax due from a company shall be reduced, pursuant to Section 409(2) of the Code [215 ILCS 5/409(2)], as follows:
- By the amount of any fire department taxes paid by the company during the preceding calendar year under Section 11-10-1 of the Illinois Municipal Code [65 ILCS 5/11-10-1]; and
  - By any excess amount, on the annual privilege tax due date, that the company's aggregate income taxes paid in the preceding calendar year (January 1 through December 31) under Section 201(a) through (d) of the Illinois Income Tax Act [35 ILCS 5/201(a) through (d)] exceed 1.5% of the company's net taxable premium written.

A) A company's aggregate income taxes paid shall be the total

## DEPARTMENT OF INSURANCE

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of the corporate and replacement income tax paid in the preceding calendar year (January 1 through December 31).

- B) The aggregate income taxes paid shall be reduced by any corporate and/or replacement income tax cash refunds received in that same calendar year if that cash refund had been considered part of the aggregate income taxes paid for an offset calculation in subsection (a)(2) of this Section taken in a preceding calendar year. If no deduction was taken pursuant to subsection (a)(2) of this Section (in which the corporate and/or replacement income tax cash refund received was part of the aggregate income taxes paid used in determining the calculation pursuant to subsection (a)(2) of this Section) then the aggregate income taxes paid for the calendar year in which that corporate and/or replacement income tax cash refund is received shall not be reduced by that tax cash refund amount.

- b) If the company is part of a state income tax unitary group, to determine each company's state aggregate income tax offset pursuant to subsection (a)(2) of this Section, an allocation of the aggregate income taxes described in subsection (a)(2) of this Section must be completed pursuant to the following:

- The allocation of the aggregate income taxes paid for the unitary group will be based on each individual company's Illinois premium written, including annuity considerations excluding annuity deposit funds), as reported in each company's Annual Statement as a percentage of the unitary group's total Illinois premium written. Each company's determination of the aggregate income taxes paid is the allocation percent multiplied by the unitary group's amount of the corporate and replacement income taxes paid in the calendar year, less the unitary group's tax cash refunds received in that same calendar year if that tax cash refund had been considered part of the aggregate income taxes paid for an offset calculation in subsection (a)(2) of this Section taken in the preceding calendar year multiplied by that company's allocation percentage. Illustration B is an example of this calculation.

- Each company may only use its allocated portion for the determination of the aggregate income tax deduction and may not transfer any allocated aggregate income taxes to another company or carry forward to another year.

- Any deductible amount or offset allowed to be taken and which is not used or is taken pursuant to subsections (a)(1) and (2) of this Section for any calendar year will not be allowed as a deduction or offset against the company's annual privilege tax for any other taxing period or calendar year.

(Source: Amended at 24 Ill. Reg. 10224, effective 1/1/2001)



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## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Annual Retaliatory Tax

2) Code Citation: 50 Ill. Adm. Code 2515

3) Section Number: Adopted Action:

2515.10 Amended

2515.50 Amended

2515.60 Amended

2515.80 Amended

4) Statutory Authority: Implementing Sections 444 and 444.1 and authorized by Section 401 of the Illinois Insurance Code (215 ILCS 5/401, 444 and 444.1).

5) Effective Date of amendment: July 1, 2000

6) Does this amendment contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: January 14, 2000, 24 Ill. Reg. 424

10) Has JCAR issued a Statement of Objections to this amendment? No

11) Differences between proposal and final version: None

12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this amendment replace an emergency amendment currently in effect?  
No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of rulemaking: The amendments to this Part clarify the existing regulations concerning using amounts on a "paid" basis instead of a "liability" basis; explain that cash refunds of the Illinois Corporate and Replacement Income Tax reduce the amount of Illinois Corporate and Replacement Income Tax paid in the year the refund is received for the purposes of calculating retaliatory tax; provide further definition of the amounts to be included in the calculation of the retaliatory Tax and other clarifications.

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16) Information and questions regarding this adopted amendment shall be directed to:

Chuck Feinen  
Department of Insurance  
320 West Washington  
Springfield, Illinois 62767-0001  
(217) 782-2867

The full text of the adopted amendment begins on the next page.

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

TITLE 50: INSURANCE  
CHAPTER I: DEPARTMENT OF INSURANCE  
SUBCHAPTER ee: FEES, CHARGES AND TAXES

PART 2515  
ANNUAL RETALIATORY TAX

Section	Purpose
2515-10	Applicability
2515-20	Severability
2515-30	Definitions
2515-40	Calculation of the Annual Retaliatory Tax Amount
2515-50	Payment Schedule for the Annual Retaliatory Tax
2515-60	Filing Supplemental Retaliatory Tax Return
2515-70	Annual Retaliatory Tax Return and Quarterly Statement Filing Requirements
2515-80	Civil Penalties and Interest
2515-90	Hearings
2515-100	

ILLUSTRATION A Annual Privilege and Retaliatory Tax Returns and Quarterly Tax Statements

## ILLUSTRATION B Supplemental Retaliatory Tax Return

AUTHORITY: Implementing Sections 444 and 444.1 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401, 444 and 444.1]

SOURCE: Adopted at 23 Ill. Reg. 249, effective December 21, 1998; amended at 24 Ill. Reg. 10228, effective JUL 1 2000.

## Section 2515.10 Purpose

This Part sets forth certain procedural requirements, and explains the calculation of the Annual Retaliatory Tax that is to be collected pursuant to Sections 444 and 444.1 of the Illinois Insurance Code [215 ILCS 5/444 and 444.1] ~~(see P.A.-90-593, effective May-29-1996)~~.

(Source: Amended at 24 Ill. Reg. 10228, effective JUL 1 2000)

## Section 2515.50 Calculation of the Annual Retaliatory Tax Amount

Foreign and alien companies are required to pay a retaliatory tax as calculated in subsection (e) of this Section if the sum of the State of Illinois' basis, as calculated in subsection (b) of this Section, is less than the sum of the state of incorporation's basis, as calculated pursuant to subsection (c) of this Section.

a) For the calendar year ending December 31, 1997, the sum of the State

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of Illinois' basis shall be the sum as calculated by subsection (b) of this Section, plus any tax offset allowed under Section 531.13 of the Code [215 ILCS 5/531.13], and any income taxes paid in the year 1997 under the Illinois Income Tax Act [35 ILCS 5/201(a)] through (d)] after any tax offset allowed under Section 531.13 of the Code [215 ILCS 5/531.13].

b) For calendar years starting January 1, 1998, and thereafter, the State of Illinois' basis is the sum of the amounts actually paid for the following items:

- 1) Annual Statement Filing Fee paid;
- 2) Certificate of Authority Fee paid;
- 3) Financial Regulation Fee paid;
- 4) Policy Form Filing Fee paid;
- 5) The amount of Illinois Corporate and Replacement income tax paid, decreased by the amount, if any, of any corporate and/or income replacement tax cash refund received in the same calendar year if that cash refund had been considered part of the amount of Illinois Corporate and Replacement income tax paid in the calculation of the annual retaliatory tax in a preceding year;
- 6) The amount of Fire Department tax paid;
- 7) Annual Privilege tax paid;
- 8) State Fire Marshal tax paid;
- 9) Guaranty Association tax offset allowed for the individual foreign or alien company pursuant to Section 531.13 of the Code [215 ILCS 5/531.13] based on the assessments made prior to December 31, 1997 and issued by the Illinois Life and Health Guaranty Association that have been paid prior to December 31, 2002. To receive such tax offset, proof of payment (which includes the date of eligible assessment, the allowed offset percentage and a copy of the canceled check) must be included; and
- 10) Other insurance fees paid per Section 408 of the Code [215 ILCS 5/408].

c) For calendar years starting January 1, 1998, and thereafter, the state of incorporation's basis is the sum of the amounts that an Illinois domiciled company would have PAID in the foreign or alien domiciliary state or country if it transacted similar operations there as did the foreign or alien company in Illinois for the following items, or their equivalent, in the foreign or alien ajcr-noregl state or country of domicile:

- 1) Annual Statement Filing Fee paid;
- 2) Certificate of Authority Fee paid;
- 3) Financial Regulation Fee paid;
- 4) Policy Form Filing Fee paid;
- 5) The amount of income tax paid without reduction, if any was otherwise allowed, for a similar association offset as the Illinois Life and Health Guaranty Association offset as long as subsection (b)(9) of this Section is effective or until January

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- 1, 2003;
- 6) The amount of Fire Department tax paid;
  - 7) Annual Privilege tax, Premium tax or Franchise tax paid;
  - 8) State Fire Marshal tax paid; and
  - 9) Other insurance taxes and fees paid charged in the foreign or alien company's state of domicile similar to those listed in subsection (b) of this Section and which may have the following characteristics:
    - A) The basis of the calculation of the tax or fee is a portion of premiums written;
    - B) The tax or fee is assessed pursuant to state authority; and
    - C) The tax or fee is assessed on a basis wherein the liability for the tax, fee or assessment is intended:
      - i) as an adjustment of past premium charges; or
      - ii) as a means of disposing of a deficit in any state mandated insurance program wherein premium rates were regulated by the state.
  - d) For the purposes of this Part, the State of Illinois' basis and the state of incorporation's basis, do not, among others, include the following items, or their equivalent:
    - 1) Cost Containment Fees or fees principally for collecting underwriting data;
    - 2) Workers' Compensation Rate adjustment, Second injury adjustments or other assessments of a workers' compensation system;
    - 3) Special purpose entity assessments;
    - 4) Illinois Guaranty Fund assessments;
    - 5) Illinois Life and Health Guaranty Association assessment, unless established as an offset pursuant to subsections (a) and (b) of this Section;
    - 6) Auto Theft assessment; and
    - 7) Assessments not referenced by or contained in Article XXV of the Code (215 ILCS 5/408 through 415).
  - e) The retaliatory tax owed by a foreign or alien company is the difference between the sum of the state of incorporation's basis minus the sum of the State of Illinois' basis.

(Source: Amended at 24 Ill. Reg. 10228, effective 11/1/2000)

Section 2515.60 Payment Schedule for the Annual Retaliatory Tax

- a) For the calendar year ending December 31, 1997, the retaliatory tax for any foreign or alien company shall be as determined pursuant to Sections 444 and 444.1 of the Code (215 ILCS 5/444 and 444.1) fee PrA-98-583-effective May-29-1998 and this Part.
- b) Any annual retaliatory tax returns and payments made for the year ending December 31, 1997, and any quarterly statements of the taxpayer's total estimated 1998 retaliatory tax paid prior to May 29,

- 1998, which do not include the items specified by subsection 2515.50(a) of this Part, may be amended and restated at the taxpayer's election within one year after the effective date of this Part. An amended and restated return for the year ending December 31, 1997, filed under this subsection and pursuant to the applicable requirements of 50 Ill. Adm. Code 2515.70 shall treat any 1997 payment of estimated privilege taxes under Section 409 of the Code (215 ILCS 5/409) as in effect prior to October 23, 1997, as a payment of estimated retaliatory taxes for the year ending December 31, 1997. Any overpayment resulting from an amended return and restated retaliatory tax burden filed pursuant to this subsection shall be allowed as a credit against any subsequent privilege or retaliatory tax obligations only after such overpayment has been approved by the Department.
- c) All foreign and alien companies shall make an annual retaliatory tax return for the preceding calendar year on or before March 15, subject to the applicable requirements of subsection 2515.80(a) of this Part. Payment of quarterly statements of the taxpayer's total estimated retaliatory tax for the current calendar year shall be due on or before April 15, June 15, September 15 and December 15 of such year in the amount of at least 1/4 of either the total tax paid during the previous calendar year, or 80% of the tax due to be paid for the current calendar year and shall be filed pursuant to subsection 2515.80(b) of this Part.
- d) The fact that a foreign or alien company is domiciled in a state or country in which franchise and/or premium taxpayers may be granted an extension of time to pay their franchise and/or premium taxes in that state shall not affect the requirements of this Section in that such foreign or alien company must file an annual return and pay its retaliatory tax on or before March 15. Any underpayment will subject the company to penalties and interest pursuant to Section 412 of the Code and Section 2515.90 of this Part.
- d) ~~Any foreign or alien company that is domiciled in a state or country that allows an extension for the filing of franchise or premium tax must file an annual retaliatory tax return on March 15. Any underpayment will subject the company to penalties and interest pursuant to Section 412 of the Code and Section 2515.90 of this Part.~~
- e) All companies transacting insurance in this State whose annual retaliatory tax for the immediately preceding calendar year was less than \$5,000 are not required to file quarterly statements pursuant to subsection (c) of this Section. Companies with an annual retaliatory tax of less than \$5,000 for the immediately preceding calendar year shall file only an annual retaliatory tax return pursuant to subsection (c) of this Section.
- f) Failure to file an annual retaliatory tax return, even if no tax is owed, to make a timely payment, or to file a timely quarterly statement, if required, will subject the company to penalties pursuant to Section 2515.90 of this Part.

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(Source: Amended at 24 Ill. Reg. 10228, effective July 1, 2000)

**Section 2515.80 Annual Retaliatory Tax Return and Quarterly Statement Filing Requirements**

Each company required to file an annual retaliatory tax return or quarterly statement pursuant to this Part must file using the Department's its annual return or quarterly statement form, even if no tax is owed, with the following applicable information:

a) The applicable information set forth in the privilege/retaliatory tax return as annually sent and updated by the Department, per example shown in Illustration A of this Part, which includes, but is not limited to the following:

- 1) Name, Federal Employer Identification Number (FEIN), and address of the insurance company;
- 2) National Association of Insurance Commissioners group number and company code;
- 3) Information concerning the privilege tax calculation or, if applicable, the state of domicile's tax return completed using Illinois premiums only;
- 4) Information concerning the allocation of income taxes in a Unitary group, such as, the Unitary group's total premium written including annuities, Unitary group's total income taxes paid and the individual premium written; and
- 5) Signature of an officer of the company attesting to the truth of the information being submitted.

(Please note that page 2 of Illustration A of this Part can be substituted by the Business Page of the Annual Statement of the National Association of Insurance Commissioners.)

b) Quarterly statements shall include, but not be limited to, the following information as set forth in Illustration A of this Part:

- 1) Name, Federal Employer Identification Number (FEIN), and address of the insurance company;
- 2) Information concerning the method by which the quarterly installment is being calculated; and
- 3) Signature of an officer of the company attesting to the truth of the information being submitted.

(Source: Amended 7/2000 at 24 Ill. Reg. 10228, effective July 1, 2000)

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Overpayments, Refunds, Amendments and Penalties

2) Code Citation: 50 Ill. Adm. Code 2525

3) Section Number:

2525.10 Adopted Action:

Amended

2525.20 Amended

2525.40 Amended

2525.45 New

2525.50 Amended

2525.60 Amended

2525.70 Amended

2525.80 Amended

2525.85 New

2525.90 Amended

2525.110 Amended

ILLUSTRATION A Amended

ILLUSTRATION B New

ILLUSTRATION C New

4) Statutory Authority: Implementing Section 412 of the Illinois Insurance Code [215 ILCS 5/412] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

5) Effective Date of Amendment: July 1, 2000

6) Does this amendment contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: 01/14/00, 24 Ill. Reg. 431

10) Has JCARC issued a Statement of Objection to this amendment? No

11) Differences between proposal and final version:

In Section 2525.50(e), deleted the subparagraph heading "4)" and reformatted the Section.

In Section 2525.60, added "a)" before "For" and reformatted.

In Section 2525.60(a), struck "a)" and replaced with "1)" and reformatted.



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- In Section 2525.60(b), struck "b)" and replaced with "2)" and reformatted.
- In Section 2525.60(c), struck "c)" and replaced with "3)" and reformatted.
- In Section 2525.60(a)(1), struck "1)" and replaced with "A)" and reformatted.
- In Section 2525.60(a)(2), struck "2)" and replaced with "B)" and reformatted.
- In Section 2525.60(b)(1), struck "1)" and replaced with "A)" and reformatted.
- In Section 2525.60(b)(2), struck "2)" and replaced with "B)" and reformatted.
- In Section 2525.60(c)(1), struck "1)" and replaced with "A)" and reformatted.
- In Section 2525.60(c)(2), struck "2)" and replaced with "B)" and reformatted.
- In Section 2525.60(d), struck "d)" and replaced with "b)" and reformatted.
- In Section 2525.60(e), struck "e)" and replaced with "c)" and reformatted.
- In Section 2525.60(f), struck "f)" and replaced with "d)" and reformatted.
- In Section 2525.80(c), "[30 ILCS 240]" was changed to "[30 ILCS 230/1 through 6a]".
- In Section 2525.85(c), "[30 ILCS 240]" was changed to "[30 ILCS 230/1 through 6a]".

12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? The Department has made the agreed changes except for the non-substantive technical change in Sections 2525.80(c) and 2525.85(c).

13) Will this amendment replace an emergency amendment currently in effect?  
No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of rulemaking: This Part provides the procedures by which an overpayment of taxes paid may be used and how such established overpayment may be transferred. It also sets forth the requirements of filing an amended return and the possible penalties that could be assessed

## DEPARTMENT OF INSURANCE

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for the failure to make timely payment of fees, charges and taxes. This Part has one illustration, and it describes the information required in the Notice of transfer of overpayments required by this Part. The proposed amendments clarify current language and set forth the procedure by which an entity can claim a cash refund pursuant to P.A. 91-0643.

16) Information and questions regarding this adopted amendment shall be directed to:

Chuck Peinen  
Department of Insurance  
320 West Washington  
Springfield, Illinois 62767-0001  
(217) 782-2867

The full text of the adopted amendment begins on the next page.

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

TITLE 50: INSURANCE  
CHAPTER I: DEPARTMENT OF INSURANCE  
SUBCHAPTER ee: FEES, CHARGES AND TAXES

## PART 2525

## OVERPAYMENTS, REFUNDS, AMENDMENTS AND PENALTIES

Section	Purpose
2525.10	Applicability
2525.20	Severability
2525.30	Definitions
2525.40	Calculations
2525.45	Calculation of the 6-Year Period Limitation
2525.50	Overpayments Concerning the Annual Privilege and Retaliatory Taxes
2525.60	Overpayments for All Other Fees, Charges or Taxes
2525.70	Amended Returns
2525.80	Cash Refund of Taxes Assessed Pursuant to Sections 409, 414 and 444.1 of the Code
2525.85	Overpayment
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2525.90	Transfer of Overpayments
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2525.110	Hearings

ILLUSTRATION A	Notice to Transfer a Privilege or Retaliatory Tax Overpayment
ILLUSTRATION B	Overpayment of Transfer-of-Overpayment
ILLUSTRATION C	Notice to Transfer a Surplus Lines Tax Overpayment
ILLUSTRATION D	Notice to Transfer a State Fire Marshal Tax Overpayment

AUTHORITY: Implementing Section 412 of the Illinois Insurance Code [215 ILCS 5/412] and Section 13 of the Fire Investigation Act [425 ILCS 25/13] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

SOURCE: Adopted at 23 Ill. Reg. 302, effective December 21, 1998, amended at 24 Ill. Reg. 10235, effective JUL 1 2000.

## Section 2525.10 Purpose

This Part sets forth certain procedural requirements for the amendment of tax returns, clarifies the establishment and use of overpayments and refunds, and sets forth penalties pursuant to Section 412 of the Illinois Insurance Code [215 ILCS 5/412] for the failure to file a return, for late filings and for filing insufficient payments.

(Source: Amended JUL 1 2000 at 24 Ill. Reg. 10235, effective

## Section 2525.20 Applicability

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This Part applies to any company, Illinois Fair Plan or surplus line producer that has paid, or is required to pay, to the Director, taxes, fees or charges pursuant to Sections 409, 409, 444, and 444.1 and 445 of the Illinois Insurance Code [215 ILCS 5/409, 409, 444, and 444.1 and 445] and Section 12 of the Fire Investigation Act [425 ILCS 25/12].

(Source: Amended at 24 Ill. Reg. 10235, effective JUL 1 2000)

## Section 2525.40 Definitions

Except as stated and unless a different meaning of a term is clear from its context, the definitions of terms used in this Part shall be the same as those used in 50 Ill. Adm. Code 2500.40 and any of the Acts in Chapter 215 of the Illinois Compiled Statutes.

## Taxpayer's estimated liability means either:

The total tax paid during the previous calendar year, or  
80% of the actual tax for the current calendar year.

Timely filing of a tax return means when a filing is made as calculated pursuant to 50 Ill. Adm. Code 2500.60 on or before the due date. For example, pursuant to 50 Ill. Adm. Code 2500.60(b)(1) the time of filing for documents mailed through the U.S. Mail is the date of the U.S. postmark, thus a timely tax return filing would be a tax return filing that has been U.S. postmarked on or before March 15.

(Source: Amended at 24 Ill. Reg. 10235, effective JUL 1 2000)

## Section 2525.45 Calculation of the 6-Year Period Limitation

a) The 6-year limitation period set forth in this Part and Section 412 of the Code [215 ILCS 5/412] shall be calculated by counting backwards 6 calendar years from the date of the discovery of the mistake of fact, error in calculation, or erroneous interpretation of a statute of this Section. The date of the discovery of the mistake of fact, error in calculation, or erroneous interpretation of a statute of this Section shall be the date when an amended tax return is filed with the Department pursuant to subsection (b) of this Section, or when a written detailed description as required in subsection (b) of this Section is filed with the Department concerning a fee or charge.

b) A discovery of a mistake of fact, error in calculation, or erroneous interpretation of a statute of this or any other state shall be reported by the filing of an amended tax return pursuant to Section 2525.70 of this Part. In case of a fee or charge a written detailed description of the fee calculation stating the differences between the

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Department's and company's calculation shall be filed with the Department. Such description shall be in writing and sent to the attention of the Tax and Fiscal Services Section, Illinois Department of Insurance, 320 West Washington Street, Springfield, Illinois 62767-0001.

- c) The mistake of fact, error in calculation, or erroneous interpretation of a statute of this or any other state must have occurred within the 6-year calendar period regardless of whether it affects a final tax return that was filed within the 6-year calendar period. For example, if the date of discovery is January 1, 2000 the 6-year calendar period would include the 1993 final tax return filed on March 15, 1994, but would not include any of calendar year 1993 and therefore would not include any mistake of fact, error in calculation, or erroneous interpretation of a statute of this or any other state that occurred in the 1993 calendar year.

(Source: Added at 24 Ill. Reg. **10235**, effective JUL 1 2000)

## Section 2525.50 Overpayments Concerning the Annual Privilege and Retailatory Taxes

- a) If the requirements of this Part are met, overpayments will be recorded on the current balance of the privilege or retailatory tax account maintained by the Department upon the filing of an annual privilege or retailatory tax return showing overpayments, or pursuant to the filing of an amended privilege or retailatory tax return in accordance with Section 2525.70 of this Part. All recorded overpayments are subject to subsequent auditing and adjustment by the Department pursuant to subsection (b) of this Section.

Overpayments can be created, if the requirements of this Part are met by the following:

- 1) Upon the filing of an annual privilege or retailatory tax return showing overpayments, the Department will make an adjustment to the current balance of the privilege or retailatory tax account;
- 2) Pursuant to the filing of an amended privilege or retailatory tax return in accordance with Section 2525.70 of this Part, the Department will issue an invoice adjustment showing the overpayment amount and will make an adjustment to the current balance of the privilege or retailatory tax account; and
- 3) In connection with the Department conducting an audit in which the result is an overpayment, the Department will issue an invoice adjustment showing the overpayment amount and will make an adjustment to the current balance of the privilege or retailatory tax account.

- b) Upon notice to the company, the Department shall adjust all overpayments recorded pursuant to this Section if upon verification and audit the recorded overpayment is incorrect and/or not the result

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of a mistake of fact, error in calculation, or an erroneous interpretation of a statute of this or any other state. The company may contest the Department's stated adjustment in writing which includes the following information:

- 1) The company's name and FEIN#;
- 2) The company's reason(s) why the stated adjustment is incorrect; and
- 3) A contact person for the company.

- c) If after the filing of a written response pursuant to subsection (b) of this Section the company and the Department can not resolve the matter, the company may request a hearing pursuant to Section 2525.110 of this Part for the purpose of determining the correct amount of the adjustment.

- d) In addition to subsection (a) of this Section an overpayment will be recorded on the current balance of the privilege or retailatory tax account maintained by the Department as a result of an audit by the Department which indicates that there has been an overpayment.

- e) All overpayments recorded created pursuant to subsection (a) of this Section must result from the following:

- 1) A mistake of fact including, but not limited to:
  - A) Applying a previous year's corporate and/or replace ent income tax overpayment in the current year's tax return; and
  - B) Using premium written in the state of incorporation to determine the state of incorporation's basis for retailatory tax purposes; or
- 2) An error in calculation including, but not limited to:
  - A) An incorrect decimal assignment; and
  - B) An erroneous sum, result or total arising out of a mathematical function, operation or equation; or
- 3) An erroneous interpretation of a statute of this or any other state, including, but not limited to:
  - A) A misapplication of a statute;
  - B) A misunderstanding of an equivocal term or phrase used in a statute.

- 4) However, an erroneous interpretation of a statute of this or any other state does not include a finding of unconstitutionality of the statute in question. Additionally, a mistake in fact shall not include the assertion that a statute is unconstitutional on its face.

- c) Upon notice to the company, the Department reserves the right to adjust all overpayments created pursuant to this Section if upon verification and audit the stated overpayment is incorrect and/or not the result of a mistake of fact, error in calculation, or an erroneous interpretation of a statute of this or any other state. The company may request a hearing pursuant to Section 2525.110 of this Part for the purpose of determining the correct amount of the adjustment.

- f) Overpayment pursuant to this Section will automatically be used to offset future retailatory or privilege tax liabilities. Alternatively, cash refunds can be received pursuant to Section

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2525.80 of this Part or the overpayment may be transferred pursuant to Section 2525.90 of this Part upon written notification to the Department as set forth in those Sections. However, the transferred overpayment may only be used to offset future retaliatory and privilege taxes.

~~Overpayments--pursuant-to--this--Section--can--only-be-used-to--offset future-retaliatory-or-privilege-tax-and-can-be-transferred--pursuant-to Section-2525.90-of-this-Part--However--the--transferred--overpayment may--only--be--used--to--offset-future-retaliatory-and-privilege-taxes-- Alternately--a-cash-refund-of-the-overpayment-may-be--considered--by the-Director--pursuant-to-a-request-as-set-forth-in-Section-2525.80-of this-Part:~~

ge) Upon written notice to the company at its last known address any overpayment that has not been used and has not been transferred will be removed from the Department's records after 7 years and be considered unclaimed monies under the Uniform Disposition of Unclaimed Property Act [765 ILCS 1025].

(Source: Amended at 24 Ill. Reg. 10235, effective JUL 1 2000)

## Section 2525.60 Overpayments for All Other Fees, Charges or Taxes

Upon a written request, to the attention of the Tax and Fiscal Section of the Department, which includes information supporting the request to change the amount assessed by the Department's invoice and a copy of the Department's invoice, or upon an amended return filed pursuant to Section 2525.70 of this Part, or as a result of an audit, if it appears to the satisfaction of the Director that there has been an overpayment of the amount legally chargeable pursuant to Sections 408 and 445 of the Code [215 ILCS 5/408 and 445] or Section 12 of the Fire Investigation Act [425 ILCS 25/12], the Department may ~~will~~ issue a letter of credit for such overpayment. Any written request or amended return must be based on a mistake of fact, error in calculation, or erroneous interpretation of a statute of this or any other state, during the 6-year period immediately preceding the discovery of such overpayment as determined by Section 2525.45 of this Part [215 ILCS 5/412].

a) For purposes of this Section:

1) A mistake of fact includes, but is not limited to:

A) Applying a percentage different than that provided in 50 Ill. Adm. Code 2520.110, Illustration A in calculating the Illinois Fire Marshal Tax previous year's corporate--and/or replacement-income-tax-overpayment-in-the-current-year's-tax return; and

B) Using the unitary allocation for the financial regulation fees or premiums written in the state of incorporation--to determine the state of incorporation's basis for retaliatory tax purposes--or

2) An error in calculation includes, but is not limited to:

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A) An incorrect decimal assignment; and  
B) An erroneous sum, result or mathematical function, operation or equation, or state, including, but not limited to:

3) An erroneous interpretation of a statute of this or any other state, including, but not limited to:  
A) A misapplication of a statute;  
B) A misunderstanding of an equivocal term or phrase used in a statute.

b) However, an erroneous interpretation of a statute of this or any other state does not include a finding of unconstitutionality of the statute in question. Additionally, a mistake in fact shall not include the assertion that a statute is unconstitutional on its face.

c) Overpayments pursuant to this Section may only be used to offset the same type of tax, charge or fee in which the overpayment was made and may be transferred pursuant to Section 2525.90 of this Part. However, the transferred overpayment may only be used to offset the same type of tax, charge or fee in which the overpayment was made. Alternatively, a cash refund of the overpayment may be considered by the Director pursuant to a written request as set forth in Section 2525.80 of this Part.

d) Overpayments pursuant to this Section for which the underlying tax, fee or charge has been prospectively repealed may be used to offset any tax owed pursuant to Section 409 of the Code [215 ILCS 5/409] and may be transferred after 7 years pursuant to Section 2525.90 of this Part. Transferred overpayments in which the underlying tax has been prospectively repealed may be used to offset any tax owed pursuant to Section 409 of the Code [215 ILCS 5/409].

e) Upon written notice to the company, at its last known address, any overpayment that is not used and is not transferred will be removed from the Department's records after 7 years and be considered unclaimed monies under the Uniform Disposition of Unclaimed Property Act [765 ILCS 1025].

(Source: Amended at 24 Ill. Reg. 10235, effective JUL 1 2000)

## Section 2525.70 Amended Returns

Any company, Illinois Fair Plan, or surplus line producer may file an amended return with the Department. An amended return shall be made by filing a copy of the original return which shows the amendments and includes explanations for those amendments. A copy of the original return shall be included with the amended return. Amended returns will only be allowed if it appears to the satisfaction of the Director that because of some mistake of fact, error in calculation, or erroneous interpretation of a statute of this or any other state, anyone has paid in excess of the amount legally chargeable against it during the 6-year period immediately preceding the discovery of such overpayment as determined pursuant to Section 2525.45 of this Part [215 ILCS 5/412].



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5/412). Amendments (e.g., cash refund or additional cash payments, of prior income or fire department taxes paid) shall be accounted for in the year paid or when issued a cash refund of the adjustment and shall not be the basis for amending a previous privilege or retaliatory tax return. Furthermore, any overpayment adjustment requested for the amount of fire department taxes or aggregate income taxes paid may not exceed the amount of privilege or retaliatory tax owed in the year the aggregate income tax or fire department tax was paid and for which the overpayment adjustment is now being sought.

(Source: Amended at 24 Ill. Reg. 10235, effective JUL 1 2000)

**Section 2525.80 Cash Refund of Taxes Assessed Pursuant to Sections 409, 444 and 444.1 of the Code Overpayment**

a) The Director shall provide a cash refund within 120 days after receipt of the written request, if all necessary information has been filed with the Department in order for it to perform an audit of the annual return for the year in which the overpayment occurred, or within 120 days from the date the Department receives all the necessary information to perform such audit unless one of the following conditions apply:

- 1) The amount of the requested cash refund can be fully offset against the taxpayer's estimated liability for the current year;
- 2) The amount of the requested cash refund is less than \$100; or
- 3) If there is insufficient funds in the Insurance Premium Tax Refund Fund to provide the requested cash refund.

b) The written request for a cash refund must include the following information in addition to any other appropriate supporting documentation:

- 1) The company's name, including the company's Federal Employee Identification Number (FEIN);
- 2) The cash refund amount being requested;
- 3) A statement of reasons why the overpayment was generated as set forth in Section 2525.50 of this Part; and
- 4) A certification of an officer of the company that the provided information in the written request is true and accurate to the best of his/her knowledge.

c) In addition to subsection (a) of this Section, a cash refund may be available if the overpayment was part of a protested payment pursuant to the State Officers and Employees Disposition Act [30 ILCS 230/1 through 6a], and is allowed by the court having jurisdiction of the protest action.

d) In the event that there are insufficient funds, no payment will be made until sufficient funds are available and during the period that there are insufficient funds the requested refund will be applied towards any existing/new privilege or retaliatory tax liabilities, and, when sufficient funds are available, payment will only be made if

none of the conditions of subsection (a) of this Section apply to the remaining requested amount.

the Department without the claimant obtaining a budget appropriation for the Department equal to the amount of the alleged overpayment, cannot provide a cash refund for an overpayment pursuant to Section 412 of the Code [415 ILCS 5/412] and Section 2525.50 of this Part unless the overpayment was part of a protested payment pursuant to the State Officers and Employees Disposition Act [30 ILCS 230/1 through 6a]. A cash refund of an overpayment pursuant to Section 2525.60 of this Part may be possible if there is a budget appropriation already established for the Department by which overpayments may be refunded. Alternatively, relief may be possible through transferring the overpayment pursuant to Section 2525.90 of this Part.

(Source: Amended at 24 Ill. Reg. 10235, effective JUL 1 2000)

**Section 2525.85 Cash Refund of Other Fees, Taxes and Charges**

a) Upon a written request, a cash refund of an overpayment pursuant to Section 2525.60 of this Part may be possible if there is a budget appropriation already established for the Department by which overpayments may be refunded. Alternatively, relief may be possible through transferring the overpayment pursuant to Section 2525.90 of this Part.

b) The written request for a cash refund must include the information as set forth in Section 2525.80(b) of this Part.

c) In addition to subsection (a) of this Section, a cash refund may be available if the overpayment was part of a protested payment pursuant to the State Officers and Employees Disposition Act [30 ILCS 230/1 through 6a], and is allowed by the court having jurisdiction of the protest action.

d) In the event that there are insufficient funds, no payment will be made until sufficient funds are available and during the period that there are insufficient funds the requested refund will be applied towards any existing/new liabilities of the same type from which the overpayment resulted.

(Source: Amended at 24 Ill. Reg. 10235, effective JUL 1 2000)

**Section 2525.90 Transfer of Overpayments**

An overpayment allowable pursuant to Sections 2525.50 and 2525.60 of this Part may be transferred in whole or in part to another company upon written approval of the Director. Such approval may be an adjustment invoice, letter of credit or a signed Notice of Transfer of Overpayment form. The company, surplus line producer or Illinois Fair Plan that made the payment creating the overpayment

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of privilege or retaliatory tax, surplus line tax or State Fire Marshal tax pursuant to this Part must file with the Department a written "Notice of Transfer of Overpayment" as set forth in Illustrations Illustration A, B or C of this Part. Otherwise the company, surplus line producer or Illinois Fall Plan shall provide a written notice to transfer that the Notice of Transfer of Overpayment shall include the following information:

- a) The company's name that is transferring the overpayment, including that company's Federal Employer Identification Number (FEIN);
- b) The amount of the overpayment being transferred;
- c) The name of the company and the company's Federal Employee Identification Number (FEIN) to which the transfer is being made;
- d) A copy of a letter of credit (if) or invoice (if) issued, if any, pursuant to Section 2525-60 or 2525-60 of this Part for the overpayment which is being transferred;
- de) The monetary amount, if any, exchanged between the entities; and
- ef) A certification of an officer of the company that the provided information in the Notice of Transfer of Overpayment is true and accurate to the best of their knowledge.

(Source: Amended at 24 Ill. Reg. 10235, effective July 1, 1999)

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Section 2525, ILLUSTRATION A Notice to Transfer a Privilege or Retaliatory Tax Overpayment of Transfer of Overpayment

NOTICE TO TRANSFER A PRIVILEGE OR RETALIATORY TAX  
OVERPAYMENT

Federal Employer Identification Number (FEIN) \_\_\_\_\_

Company Transferring Overpayment

By the \_\_\_\_\_ Insurance Company

Name of Company Transferring Overpayment \_\_\_\_\_

Street and Number \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

The overpayment amount being transferred \$ \_\_\_\_\_ to \_\_\_\_\_

Name of Company Receiving the Overpayment \_\_\_\_\_

Federal Employer Identification Number (FEIN) \_\_\_\_\_

Company Receiving the Overpayment

The monetary amount exchanged for the overpayments transferred \$ \_\_\_\_\_

I, \_\_\_\_\_, do hereby certify that, to the best of my  
(print)  
knowledge, the matters asserted in this Notice of Transfer are true and  
correct.

Date: \_\_\_\_\_

Signature of an Officer of the Company Transferring the Overpayment

I, \_\_\_\_\_, do hereby certify that, to the best of  
my  
(print)  
knowledge, the matters asserted in this Notice of Transfer are true  
and correct.

Date: \_\_\_\_\_

Signature of an Officer of the Company Receiving the Overpayment

Internal Department Use Only

Date Transfer was completed \_\_\_\_\_

NOTICE OF TRANSFER  
OF OVERPAYMENT

DEPARTMENT OF INSURANCE  
NOTICE OF ADOPTED AMENDMENTS

Federal Employer Identification Number (FEIN) \_\_\_\_\_

Company Transferring Overpayment \_\_\_\_\_

By the \_\_\_\_\_ Insurance Company

Name of Company Transferring Overpayment \_\_\_\_\_

Street and Number \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

The overpayment amount being transferred \_\_\_\_\_

Name of Company Receiving the Overpayment \_\_\_\_\_

Federal Employer Identification Number (FEIN) \_\_\_\_\_

Company Receiving the Overpayment \_\_\_\_\_

The monetary amount exchanged for the overpayments transferred \_\_\_\_\_

I, \_\_\_\_\_, do hereby certify that, to the best of my knowledge, the matters asserted in this Notice of Transfer are true and correct.

Signature of an Officer of the Company Transferring the Overpayment \_\_\_\_\_

I, \_\_\_\_\_, do hereby certify that, to the best of my knowledge, the matters asserted in this Notice of Transfer are true and correct.

Signature of an Officer of the Company Receiving the Overpayment \_\_\_\_\_

Do not forget to attach a copy of the letter of credit(s) or invoice(s) if issued pursuant to 59 Ill. Adm. Code 2525-59 and 2525-60 for the overpayment which is being transferred.

Internal Department Use Only

Date Transfer was completed \_\_\_\_\_

(Source: Amended at 24 Ill. Reg. 10235, effective

JUL 1 2000)

DEPARTMENT OF INSURANCE  
NOTICE OF ADOPTED AMENDMENTS

Section 2525, ILLUSTRATION B Notice to Transfer a Surplus Lines Tax Overpayment

NOTICE TO TRANSFER A

SURPLUS LINES TAX OVERPAYMENT

Social Security Number (SS) \_\_\_\_\_

Producer Transferring Overpayment \_\_\_\_\_

By the \_\_\_\_\_ Name of Producer Transferring Overpayment \_\_\_\_\_

Surplus Line Producer \_\_\_\_\_

Street and Number \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

The overpayment amount being transferred \$ \_\_\_\_\_ to

Name of Producer Receiving the Overpayment \_\_\_\_\_

Social Security Number (SS) \_\_\_\_\_

Producer Receiving the Overpayment \_\_\_\_\_

The monetary amount exchanged for the overpayments transferred \$ \_\_\_\_\_

I, \_\_\_\_\_, do hereby certify that, to the best of my knowledge, the matters asserted in this Notice of Transfer are true and correct.

Signature of Surplus Line Producer Transferring the Overpayment \_\_\_\_\_ Date: \_\_\_\_\_

I, \_\_\_\_\_, do hereby certify that, to the best of my knowledge, the matters asserted in this Notice of Transfer are true and correct.

Signature of Surplus Line Producer Receiving the Overpayment \_\_\_\_\_ Date: \_\_\_\_\_

Internal Department Use Only

Date Transfer was completed \_\_\_\_\_

(Source: Added - 12000 24 Ill. Reg. 10235, effective

Section 2525, ILLUSTRATION C Notice to Transfer a State Fire Marshal Tax Overpayment

NOTICE TO TRANSFER A STATE FIRE  
MARSHAL TAX OVERPAYMENT

Federal Employer Identification Number (FEIN) \_\_\_\_\_  
Company Transferring Overpayment

By the \_\_\_\_\_ Insurance Company  
Name of Company Transferring Overpayment

\_\_\_\_\_  
Street and Number City State Zip Code

The overpayment amount being transferred \$ \_\_\_\_\_ to

\_\_\_\_\_  
Name of Company Receiving the Overpayment

Federal Employer Identification Number (FEIN) \_\_\_\_\_  
Company Receiving the Overpayment

The monetary amount exchanged for the overpayments transferred \$ \_\_\_\_\_

I, \_\_\_\_\_, do hereby certify that, to the best of my  
(print)  
knowledge, the matters asserted in this Notice of Transfer are true  
and correct.

\_\_\_\_\_  
Signature of an Officer of the Company Transferring the Overpayment  
Date:

I, \_\_\_\_\_, do hereby certify that, to the best of my  
(print)  
knowledge, the matters asserted in this Notice of Transfer are true  
and correct.

\_\_\_\_\_  
Signature of an Officer of the Company Receiving the Overpayment  
Date:

Internal Department Use Only

Date Transfer was completed \_\_\_\_\_

(Source: Added at 24 Ill. Reg. 10235, effective  
\_\_\_\_\_, 1/1/2000)

1) Heading of the Part: White-Tailed Deer Hunting by Use of Muzzleloading Rifles

2) Code Citation: 17 Ill. Adm. Code 660

3) Section Numbers: Adopted Action:  
660.20 Amendments  
660.60 Amendments

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [20 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36].

5) Effective Date of Amendments: July 1, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: January 14, 2000, 24 Ill. Reg. 471

10) Has JCAR issued a Statement of Objections to these rules? Yes. JCAR objected to language in Section 660.20(c) "Applicants must provide their Social Security Number on the application form." The Department has agreed to modify the rulemaking by removing this language.

11) Differences between proposal and final version: Section 660.20(c) - removed "Applicants must provide their Social Security Number on the application form."

Section 660.20(1) - Changed "may" to "shall".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? None

15) Summary and purpose of Rulemaking: Amendments were made to open and close State-owned or -managed sites.

16) Information and questions regarding these adopted amendments shall be



## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

directed to:

Jack Price  
Department of Natural Resources  
524 S. Second Street, Room 430  
Springfield IL 62701-1787  
217/782-1809

The full text of the adopted amendments begins on the next page:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION  
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER D: FISH AND WILDLIFE

## PART 660

WHITE-TAILED DEER HUNTING BY USE  
OF MUZZLELOADING RIFLES

## Section

- 660.10 Statewide Season and Permit Quotas  
660.20 Statewide Deer Permit Requirements  
660.21 Deer Permit Requirements - Free Landowner/Tenant Permits  
660.22 Deer Permit Requirements - Special Hunts  
660.25 Deer Permit Requirements - Group Hunt  
660.30 Statewide Muzzleloading Rifle Requirements  
660.40 Statewide Deer Hunting Rules  
660.45 Reporting Harvest  
660.50 Rejection of Application/Revocation of Permits  
660.60 Regulations at Various Department-Owned or -Managed Sites
- AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36].

SOURCE: Adopted at 15 Ill. Reg. 4777, effective March 18, 1991; amended at 15 Ill. Reg. 11627, effective August 2, 1991; amended at 16 Ill. Reg. 11150, effective June 30, 1992; amended at 17 Ill. Reg. 10865, effective July 1, 1993; amended at 18 Ill. Reg. 5878, effective April 5, 1994; amended at 18 Ill. Reg. 13435, effective August 23, 1994; amended at 19 Ill. Reg. 6500, effective April 28, 1995; amended at 20 Ill. Reg. 6734, effective May 6, 1996; amended at 21 Ill. Reg. 5385, effective April 19, 1997; amended at 21 Ill. Reg. 9122, effective June 26, 1997; amended at 22 Ill. Reg. 8026, effective April 28, 1998; amended at 23 Ill. Reg. 5573, effective April 26, 1999; amended at 24 Ill. Reg. ~~10251~~ <sup>1000</sup> effective ~~JUL 1 1999~~.

## Section 660.20 Statewide Deer Permit Requirements

- a) Illinois resident hunters must have a current, valid "Muzzleloading Rifle Deer Permit" (\$15). Muzzleloading rifle deer permit fees for non-residents shall be \$100 for each either-sex muzzleloading permit and \$25 for each antlerless-only permit. A permit is issued for one county and is valid only in the county stated on the permit. Only applicants who receive an either-sex permit in a county or special hunt area are eligible for an antlerless-only permit for that county or special hunt area, except in counties that are specially designated for more intensive removal of does in a given year. Any such counties will be identified prior to the Random Daily Drawing Period which begins in September, and a limited number of antlerless-only permits

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

will be made available regardless of whether applicants already possess an either-sex permit. For permit applications and other information write to:

Department of Natural Resources  
(Muzzleloading Rifle)  
Deer Permit Office  
524 South Second Street, Room 210  
P.O. Box 19227  
Springfield, IL 62794-9227

- b) Applications from Illinois residents for participation in the First Lottery Drawing shall be accepted through the last weekday in April of the current year. Nonresidents may not apply to participate in the First Lottery Drawing. Applications received after the last weekday in April shall not be included in this lottery. Permits shall be allocated in a computerized random drawing. Permits shall be issued as either-sex, antlerless-only or antlered only. A maximum of one either-sex and one antlerless-only permit shall be issued per person. Applicants must complete all portions of the current year permit application form. Incomplete or incorrect applications will be returned along with the applicant's permit fee for correction or completion if received in the Permit Office prior to the last weekday in April of the current year.
- d) Applicants must check the antlerless-only box and enclose an additional \$15 to apply for an additional antlerless-only permit. Antlerless-only permits will be issued until the antlerless-only quota is filled for a given county or special hunt area.
- e) Permits for counties and special hunt areas with unfilled quotas after the First Lottery Drawing shall be allocated in a Second Lottery Drawing. This drawing is open only to nonresident applicants and to Illinois residents who were not previously issued firearm or muzzleloader permits for the current hunting season. Applications for the Second Lottery Drawing will be accepted through the tenth weekday in August of the current year. Applicants may also apply for remaining antlerless-only permits by checking the antlerless-only box and enclosing an additional \$15. A list of unfilled counties shall be announced upon becoming available after the First Lottery Drawing. Applicants must apply on a current year "Muzzleloading Rifle" Deer Permit application form. A maximum of one either-sex and one antlerless-only permit shall be issued per person.
- f) No more than 6 single applications per envelope shall be accepted during the application periods for the First and Second Lottery Drawings. Each applicant must submit a separate personal check or money order. Separate envelopes must be used to send permit applications to the Deer Permit Office for regular firearm, muzzleloading rifle, handgun, archery, and free or paid landowner/tenant permits.

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- g) There will be an application period which starts the first working day after September 14 and ends the fifth weekday in November during which anyone (regardless of any other permit they may have, subject to the restriction in subsection (a)) can apply for muzzleloading deer permits left over from the county and special hunt area quotas. During this application period, the permits shall be issued in a random daily drawing. Applications received for that day will not be processed until all applications received for that day are mixed. All processing applications received for a subsequent day. All applications for the Random Daily Drawing will be processed individually (i.e., no group applications will be processed). Applicants can apply for one or more permits during this application period. Full season antlerless-only permits shall only be issued to successful applicants that have full season either-sex permits in the county applied for. Applicants must print "September Drawing - Multiple Muzzleloader Permits" on the outside of the envelope and mark the "September Drawing - Multiple Permits" box on the muzzleloading rifle deer permit application.
- h) Hunter preference in obtaining a muzzleloading rifle permit during the First Lottery Drawing shall be given to individuals that applied for an either-sex muzzleloading permit in the previous year's First Lottery Drawing who were rejected because the quota was depleted in their county choice(s). The following criteria must be met to obtain a preference in the muzzleloading rifle First Lottery Drawing:
- 1) The applicant must apply using the official agency preprinted data-mailer application.
  - 2) The applicant must be a resident of the state, be eligible to receive a Muzzleloading Rifle Deer Permit, and not had deer hunting privileges revoked pursuant to Section 660.50.
  - 3) The applicant must apply for the same county choice(s) which he/she listed on the previous year's application. Preference will not be granted for special hunt areas.
  - 4) Where applicants apply as a group, preference for the entire group shall apply as it does above for the individual. All county choices for the group must be identical.
  - i) Applications shall be accepted at the counter window of the permit office; however, permits shall be mailed. In-person and mail-in applications will receive equal treatment in the drawings.
  - j) Permits are not transferable. Refunds shall not be granted unless the Department of Natural Resources has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.
  - k) A \$3 service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail, then there shall be no charge. Monies derived from this source shall be deposited in the Wildlife and Fish Fund.
  - l) The period for accepting applications for the First and Second Lottery

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periods shall be extended if applications are not available to the public by April 1. A news release will announce the extension of the application period.

(Source, Amended at 24 Ill. Reg. **10251**, effective July 1, 2000)

## Section 660.60 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) Only one tree stand is allowed per deer permit holder. Tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510(c)(3) and must be portable. Tree stands must be removed at the end of each day with the exception that they may be left unattended from September 15, January 31 at those sites listed in this Section that are followed by a (1).
- c) It is unlawful to drive deer or participate in a deer drive on all Department-owned or -managed properties. A deer drive is defined as a deliberate action by one or more persons (whether armed or unarmed) whose intent is to cause deer to move within firearm range of one or more participating hunters.
- d) Check-in, check-out and reporting of harvest is required at those sites listed in this Section that are followed by a (2).
- e) Handicapped preferred hunting opportunities are provided at those sites listed in this Section that are followed by a (3).
- f) Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in this Section that are followed by a (4).
- g) Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in this Section that are followed by a (5).
- h) Statewide regulations shall apply at the following sites:

Cache River State Natural Area (1) (2)

Campbell Pond Fish and Wildlife Area (1) (2)

Carlyle Lake Wildlife Management Area except subimpoundment areas

Carlyle Lake Lands and Waters - Corps of Engineers managed lands

Chauncey Marsh (1) (2)

Crawford County Fish and Wildlife Area (1) (2)

Cypress Creek National Wildlife Refuge

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Cypress Pond State Natural Area (1) (2)

Dog Island Wildlife Management Area (1) (2)

Ferne Clyffe State Park (1) (2)

Fort de Chartres Historic Site (1) (2)

Giant City State Park (1) (2)

Hamilton County Fish and Wildlife Area (1) (2)

Horseshoe Lake Conservation Area - Alexander County (all portions of the Public Hunting Area except the Controlled Goose Hunting Area) (1) (2)

I-24 Wildlife Management Area (1) (2)

Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area is closed during duck season) (2, except south of Highway 154 and north of Highway 13)

Kickapoo State Park (closed during second firearm deer season) (1) (2)

Kinkaid Lake Fish and Wildlife Area (1) (2)

Mermet Lake Conservation Area (1) (2)

Middle Fork Fish and Wildlife Area (closed during second firearm deer season) (1) (2)

Mississippi River Pool 16 (1)

Mississippi River Pool 17 (1)

Mississippi River Pool 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Mississippi Fish and Waterfowl Management Area - Pools 25 and 26

Oakford Conservation Area (1)

Panther Creek Conservation Area (1) (2) (4)

Pere Marquette State Park (hunting in designated area only) (2)

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Pyramid State Park (1) (2)

Ray Norbut Conservation Area (2)

Rend Lake Fish and Wildlife Area (1)

Saline County Fish and Wildlife Area (1) (2)

Sand Ridge State Forest (1) (2)

Sanganois Fish and Wildlife Area (1)

Ten Mile Creek Fish and Wildlife Area (1); Belle River Unit only (4)

Trail of Tears State Forest (1) (2)

Turkey Bluffs Fish and Wildlife Area (1) (2)

Union County Conservation Area (Firing Line Unit only) (1) (2)

Weinberg-King State Park (2)

Wildcat Hollow State Forest (1)

1.) Statewide regulations shall apply at the following sites by special permit allocated through the regular statewide drawing. Season dates that differ from the statewide dates are in parentheses. Sites that offer standby hunting are followed by a (6). At sites offering standby hunting, permit holders must register at the check station by 5:00 a.m. each day of the hunt. Unvalidated permits are void after 5:00 a.m. Vacancies each day will be filled by a drawing held at 5:00 a.m. Vacancies may be filled by any person holding a valid hunting license, Habitat Stamp, and Firearm Owner Identification Card, if required. Standby hunters will be issued a one-day site-specific deer permit at the check station, and charged a permit fee of \$5. All hunters must check out and report harvest.

Castle Rock State Park (closed during second firearm season; antlerless deer only) (2) (6)

East Conant Field (1) (4)

Hidden Springs State Forest (closed during second firearm deer season) (1) (2)

Marseilles Fish and Wildlife Area (closed during second firearm and deer season) (2) (6)

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Midewin National Tallgrass Prairie (not allowed during the second firearm deer season) (5) t6t

Sabara Woods (1) (2)

Sato Field (1) (4)

Tapley Woods State Natural Area (closed during the second firearm deer season)

(Source: Amended at 24 Ill. Reg. 10251, effective July 1, 2000)



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1) Heading of the Part: White-Tailed Deer Hunting By Use of Firearms

2) Code Citation: 17 Ill. Adm. Code 650

3) Section Numbers:

650.20 Adopted Action:  
 Amendments  
 650.21 Amendments  
 650.22 Amendments  
 650.60 Amendments  
 650.65 Amendments

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

5) Effective Date of Amendments: July 1, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: January 14, 2000, 24 Ill. Reg. 456

10) Has JCAR issued a Statement of Objections to these amendments? Yes. JCAR objected to language in Section 650.20(c) "Applicants must provide their Social Security Number on the application form." The Department has agreed to modify the rulemaking by removing this language.

11) Differences between proposal and final version:

Section 650.20(c) - removed "Applicants must provide their Social Security Number on the application form."

Section 650.20(h) - deleted "the restriction in"

Section 650.60(h) - added the following two sites:

Starved Rock/Matthiessen Dells State Park (Monday, Tuesday and Wednesday before the first statewide firearm deer season only) (antlerless deer only) (2) (5)

Starved Rock/Matthiessen Dells State Park (Monday, Tuesday and

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Wednesday before the second statewide firearm deer season only) (antlerless deer only) (2) (5)

Section 650.65 - added "(5)" to Lake Le Aqua Na State Park.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements? Yes

13) Will this rulemaking replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: Amendments to this Part modify the process for applying for paid landowner firearm deer permits, make it illegal to drive deer on Department controlled properties, allow only Illinois residents to apply for and receive paid landowner deer permits, and open and close State-owned or -managed sites.

16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price  
 Department of Natural Resources  
 524 S. Second Street, Room 430  
 Springfield IL 62701-1787  
 217/782-1809

The full text of the adopted amendments begins on the next page:

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TITLE 17: CONSERVATION  
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFE

## PART 650

## WHITE-TAILED DEER HUNTING BY USE OF FIREARMS

## Section

- 650.20 Statewide Deer Permit Requirements  
650.21 Deer Permit Requirements - Landowner/Tenant Permits  
650.22 Deer Permit Requirements - Special Hunts  
650.23 Deer Permit Requirements - Group Hunt  
650.30 Statewide Firearms Requirements  
650.40 Statewide Deer Hunting Rules  
650.50 Rejection of Application/Revocation of Permits  
650.60 Regulations at Various Department-Owned or -Managed Sites  
650.65 Youth Hunt  
650.67 Special Hunts for Disabled Hunters  
650.70 Special Extended Season Firearm Deer Hunt (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

SOURCE: Adopted at 5 Ill. Reg. 9771, effective September 17, 1981; codified at 5 Ill. Reg. 10640; amended at 6 Ill. Reg. 10730, effective August 20, 1982; amended at 7 Ill. Reg. 10798, effective August 24, 1983; amended at 8 Ill. Reg. 21602, effective October 23, 1984; amended at 9 Ill. Reg. 16213, effective December 10, 1985; emergency amendment at 9 Ill. Reg. 20922, effective December 18, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 4223, effective February 25, 1986; amended at 10 Ill. Reg. 16665, effective September 22, 1986; amended at 11 Ill. Reg. 3044, effective February 3, 1987; amended at 11 Ill. Reg. 9564, effective May 5, 1987; amended at 12 Ill. Reg. 8003, effective April 25, 1988; amended at 12 Ill. Reg. 12055, effective July 11, 1988; amended at 13 Ill. Reg. 12853, effective July 21, 1989; amended at 14 Ill. Reg. 12430, effective July 20, 1990; amended at 14 Ill. Reg. 19869, effective December 3, 1990; amended at 15 Ill. Reg. 10038, effective June 24, 1991; for a maximum of amendment at 15 Ill. Reg. 15790, effective October 22, 1991, for a maximum of 150 days; emergency expired March 21, 1992; amended at 16 Ill. Reg. 11131, effective June 30, 1992; amended at 17 Ill. Reg. 13468, effective August 10, 1993; amended at 18 Ill. Reg. 5859, effective April 5, 1994; amended at 18 Ill. Reg. 13431, effective August 23, 1994; amended at 19 Ill. Reg. 6477, effective April 28, 1995; amended at 20 Ill. Reg. 7515, effective May 20, 1996; amended at 21 Ill. Reg. 5572, effective April 19, 1997; amended at 21 Ill. Reg. 9116, effective June 26, 1997; amended at 22 Ill. Reg. 8007, effective April 28, 1998; amended at 23 Ill. Reg. 5564, effective April 26, 1999; amended at 24 Ill. Reg. 10260, effective July 1, 2000.

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## Section 650.20 Statewide Deer Permit Requirements

- a) Illinois resident hunters must have a current, valid "Firearm Deer Permit" (\$15). Deer permit fees for non-resident firearm deer hunters shall be \$100 for each either-sex firearm permit and \$25 for each antlerless-only permit. A permit is issued for one county or special hunt area and is valid only in the county or special hunt area stated on the permit. Only applicants who receive an either-sex permit in a county or special hunt area are eligible for an antlerless-only permit for that county or special hunt area, except in counties that are specially designated for more intensive removal of does in a given year. Any such counties will be identified prior to the Random Daily Drawing Period which begins in September, and a limited number of antlerless-only permits will be made available regardless of whether applicants already possess an either-sex permit. For permit applications and other information write to:

Department of Natural Resources  
(Firearm or Landowner/Tenant or Non-Resident)  
Deer Permit Office

524 South Second Street, Room 210

P.O. Box 19227

- Springfield, Illinois 62794-9227
- b) Applications from Illinois residents for participation in the First Lottery Drawing will be accepted through the last weekday in April of the current year--~~except that for 1999 the deadline will be May--37~~. Nonresidents may not apply to participate in the First Lottery Drawing. Applications received after the last weekday in April for ~~May--17,---1999--if applicable~~ will not be included in this lottery. Permits will be allocated in a computerized random drawing. Permits will be issued as either sex, antlerless only, or antlered only. A maximum of one either-sex and one antlerless-only permit shall be issued per person. Applicants for free ~~or--paid~~ landowner/tenant permits are not eligible to participate in the First or Second Lottery Drawings. Landowners who receive permits in the First or Second Lottery Drawing are not eligible for landowner permits.
- c) Applicants must complete all portions of the current year permit application form. Incomplete or incorrect applications will be returned along with the applicant's permit fee for correction or completion if received in the Permit Office prior to the deadline established in subsection (b).
- d) Applicants must check the second-season box if they agree to accept a second-season permit upon being rejected for a full-season permit.
- e) Applicants must check the antlerless-only box and enclose an additional \$15 (\$25 for non-residents) to apply for an additional antlerless-only permit. Antlerless-only permits will be issued until the antlerless-only quota is filled for a given county or special hunt area.
- f) Permits for counties and special hunt areas with unfilled quotas after

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the First Lottery Drawing will be allocated in a Second Lottery Drawing. This drawing is open only to nonresident applicants and to Illinois residents who were not previously issued firearm or muzzleloader permits for the current hunting season. Applications for the Second Lottery Drawing will be accepted through the tenth weekday in August of the current year. Applicants may also apply for remaining antlerless-only permits by checking the antlerless-only box and enclosing an additional \$15 for residents and \$25 for nonresidents. A list of unfilled counties and special hunt areas will be announced upon becoming available after the First Lottery Drawing. Applicants must apply on a current year Firearm Deer Permit application form. A maximum of one either-sex and one antlerless-only permit shall be issued per person.

g) No more than 6 single applications per envelope will be accepted during the application periods for the First and Second Lottery Drawings. Each applicant must submit a separate personal check or money order. Separate envelopes must be used to send permit applications to the Deer Permit Office for regular firearm, muzzleloading rifle, handgun, archery, and free or paid landowner/tenant permits.

h) There will be an application period which starts the first working day after September 14 and ends the fifth weekday in November, during which anyone (regardless of any other permit they may have, subject to subsection (a)) can apply for firearm deer permits left over from the county and special hunt area quotas. During this application period, the permits shall be issued in a random daily drawing. Applications received each day will not be processed until all applications received for that day are mixed. All applications received on a specific day will be processed before processing applications received for a subsequent day. All applications for the Random Daily Drawing will be processed individually (i.e., no group applications will be processed). Applicants can apply for one or more permits during this application period. Full-season antlerless-only permits shall only be issued to successful applicants that have full-season either-sex permits in the county applied for. Second-season antlerless-only permits shall be issued to successful applicants that have either full-season or second-season either-sex permits in the county applied for. Applicants submitting applications within the 20 working days prior to the start of the first season cannot be guaranteed a permit by the start of the first deer hunting season. Applicants must print "September Drawing - Multiple Permits" on the outside of the envelope and mark the "September Drawing - Multiple Permits" box on the firearm deer permit application.

i) Hunter preference in obtaining a permit during the First Lottery Drawing will be given to individuals that applied for an either-sex permit in the previous year's First Lottery Drawing who were rejected because the quota was depleted in their county choice(s), or to applicants that received, in the previous year, a second season

either-sex permit in the First Lottery Drawing only. In order to be eligible for preference during the First Lottery Drawing, the second season box must have been checked on the application form of unsuccessful applicants when they were rejected. Preference will not be granted to applicants who received a full-season either-sex permit but who did not receive an antlerless-only permit. Persons with lottery preference will have first chance at receiving available either-sex permits. The following criteria must be met to obtain a preference in the First Lottery Drawing:

- 1) The applicant must apply using the official Department application.
- 2) The applicant must be a resident of the State, be eligible to receive a Firearm Deer Permit, and not had deer hunting privileges revoked pursuant to Section 650.50.
- 3) The applicant must apply for the same county choice(s) which he/she listed on the previous year's application. Preference will not be granted for special hunt areas.
- j) Applications may be accepted at the counter window of the permit office; however, permits will be mailed. In-person and mail-in applications will receive equal treatment in the drawings.
- k) Permits are not transferable. Refunds will not be granted, unless the Department of Natural Resources has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.
- l) A \$3 service fee will be charged for replacement permits issued by the Department, except when permits are lost in the mail, then there will be no charge. Monies derived from this source will be deposited in the Wildlife and Fish Fund.
- m) The periods for accepting applications for the First and Second Lottery periods may be extended if applications are not available to the public by April 1. A news release will announce the extension of the application periods.

(Source: Amended at 24 Ill. Reg. 10260, effective 1/1/2000)

## Section 650.21 Deer Permit Requirements - Landowner/Tenant Permits

- a) The immediate family of a landowner or tenant is defined as, and limited to, the spouse, children, or parents permanently residing on the same property as the landowner or tenant.
- b) A tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit.
- c) Resident and nonresident Illinois landowners who own 40 acres or more of land, and resident tenants leasing or renting 40 acres or more of commercial agricultural lands, may apply for a county-wide paid

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landowner either sex permit to hunt in the county where the land is located. Members of the immediate family of the landowner or tenant are also eligible to apply for a county-wide paid landowner or firearm deer permit. Incomplete applications will be returned. The fee for a county-wide either sex paid landowner deer permit shall be \$15 for residents and \$100 for nonresidents. These applications will not be subject to the public lottery process.

d) Resident Illinois landowners who own 40 acres or more of land and landowner tenants renting or leasing 40 acres or more of commercial agricultural land, and members of their immediate family, may apply for a free either-sex permit for their property only in counties open for firearm deer hunting. Recipients of the free either-sex permit will also be given a free antlerless-only permit for their property only. Nonresident Illinois landowners (of 40 acres or more land) are also eligible to apply for one either-sex permit and one antlerless-only permit for their property only. The fee to nonresident Illinois landowners (of 40 acres or more land) for permits for their property only shall be \$50 for the either-sex permit and \$25 for the antlerless-only permit. These applications will not be subject to the public lottery process. This deer hunting permit shall be valid on all farmlands which the person to whom it is issued owns, leases or rents [525 ILCS 5/2.26] in counties open for firearm deer hunting.

e) Bonafide Illinois landowners or tenants who do not wish to hunt only on the land they own, rent, or lease must apply for permits in the same manner as the applicant who is not a landowner or tenant. However, resident Illinois landowners who own 40 acres or more of land, and resident tenants leasing or renting 40 acres or more of commercial agricultural land, who apply during the First Lottery application period for a permit to hunt in the county in which they own or lease land and are rejected because the county quota is full, may apply for a county-wide paid landowner firearm deer permit to hunt in the county where the land is located. Members of the immediate family of the landowner or tenant are also eligible to apply for a county-wide paid landowner firearm deer permit if they were rejected in the First Lottery. Applications for county-wide paid landowner deer permits will be accepted from August 1 through the last working day in August. Incomplete applications will be returned. The fee for a county-wide either-sex paid landowner deer permit shall be the same as for permits for hunters that are not landowners or tenants. Landowners and tenants, and their immediate families, who did not apply for permits in the First Lottery and subsequently fail to receive them, are not eligible to apply for or receive county-wide paid landowner deer permits.

e) Date of acceptance of landowner/tenant property-only permit applications will be publicly announced. Applications for county-wide paid permits must be submitted by the last weekday in April, except that for 1999, the deadline will be May 17.

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f) Landowners and resident tenants are not required to participate in the public drawing for permits in order to apply for and receive a property-only permit.

g) Proof of ownership for all landowner or tenant applications must be provided by one of the following methods:

- 1) Submittal of a copy of property deed;
- 2) Submittal of a copy of contract for deed;
- 3) Submittal of a copy of the most recent real estate tax statement for the property (upon which the landowner's name appears as landowner, or person signing application appears as landowner);
- 4) Submittal of a copy of a Farm Service Agency 156EZ form; or
- 5) Submittal of a copy of a trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a current income beneficiary of the trust.

h) Tenant permit applicants are required to submit, in addition to the landowner certification and proof of ownership, a copy of one of the following:

- 1) A copy of a lease or a rental agreement, file stamped as recorded by the County Clerk, covering the current year; or
- 2) A copy of a Farm Service Agency 156EZ form.

i) A hunting rights lease, or other non-agricultural lease, is not valid as a basis for obtaining a landowner or tenant permit.

j) County-wide permit holders are authorized to firearm deer hunt only in the county identified on the deer permit and only on property where permission to hunt has been obtained from the property owner.

k) If the property is owned or rented by more than one person: Only one landowner (and his immediate family) or one tenant (and his immediate family) shall be issued a permit on a first-come, first-served basis for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive deer permits.

l) Shareholders of corporations owning 40 or more acres of land in a county may apply for one either-sex permit to hunt the corporation lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county shall be issued based on ownership of lands by corporations. Lands leased to corporations shall not be considered as a basis for a permit for the shareholders of the lessee. Lands held in trust by corporations shall not be considered as a basis for a permit by the shareholders of the trustee. If application is made for a permit based upon lands owned by the corporation, a duly authorized officer of the corporation must sign a notarized statement authorizing the applicant to hunt on the corporate lands for which a permit is being requested. This statement must identify the applicant as a shareholder, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation lands. This document must be attached to the application upon submittal to the Permit Office. The shareholder either-sex permit shall be free to resident shareholders, and the cost to



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nonresident shareholders shall be \$50-00. An antlerless-only shareholder permit (free to resident shareholders; \$25 to nonresident shareholders) will be made available if in the best interest of managing the deer herd.

- m) Landowner/tenant firearm deer permits handover/tenant-firearm-deer permits may not apply for additional permits in the first or second lottery drawing. Landowners or tenants that apply for county-wide paid landowner firearm deer permits must have been rejected in the first lottery drawing for a permit in the county in which they own or lease land, and they may not apply for additional permits in the second lottery drawing.

(Source: Amended at 24 Ill. Reg. 10260, effective July 1, 2000.)

## Section 650.22 Deer Permit Requirements - Special Hunts

- a) Special hunt sites are defined as those sites which are owned or controlled by agencies/entities other than the Department, or sites at which the Department only controls a portion of the property designated for deer hunting, which issue deer hunting permits through the statewide lottery process. The permit Office issues deer hunting permits through a computerized drawing for sites listed below, in addition to the Department-owned or -managed sites listed in Section 650.60(1)(4). The permit preference system does not apply to special hunt areas or to State sites allocating permits in the lottery.

- 1) A.E.S.64600 Duck Creek (Fulton County, first season only)
- 2) A.E.S.64600 Duck Creek Handicapped (Fulton County, first season only)
- 3) Crab Orchard National Wildlife Refuge (the first and second season are considered separate hunt choices, and permit applicants must specify which season they are applying for in the County Choice or Hunt Area field of the application. Permits may be issued as antlerless-only without the normal bonus requirement. Standby hunting will be allowed if additional permits are available at the site)
- 4) Crab Orchard National Wildlife Refuge - Disabled Hunt (first season only)
- 5) Joliet Army Training Area (Will County)
- 6) Lake Shelbyville Project Lands (Moultrie County)
- 7) Lake Shelbyville Project Lands except Wolf Creek State Park (Shelby County)
- 8) Midewin National Tallgrass Prairie (permits may be issued as antlerless-only without normal bonus requirements) (4)
- 9) Savanna Army Depot (Jo Daviess County)
- 10) Touch of Nature - Southern Illinois University - disabled hunt

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- b) Each applicant must enclose a separate fee (check or money order) payable to the Department of Natural Resources, or the application will be returned. Applicants should not send cash with their applications. The Department will not be responsible for cash sent through the mail.

(Source: Amended at 24 Ill. Reg. 10260, effective July 1, 2000.)

## Section 650.60 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) It is unlawful to drive deer, or participate in a deer drive, on all Department-owned or -managed properties. A deer drive is defined as a deliberate action by one or more persons (whether armed or unarmed) whose intent is to cause deer to move within firearm range of one or more participating hunters.
- c) Only one tree stand is allowed per deer permit holder. These tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and must be portable. Tree stands must be removed at the end of each day with the exception that they may be left unattended from September 15 - January 31 at those sites listed in this Section that are followed by a (1).
- d) Check-in, check-out, and reporting of harvest is required at those sites listed in this Section that are followed by a (2).
- e) Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in this Section that are followed by a (3).
- f) Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in this Section that are followed by a (4).
- g) Youth hunters must be accompanied by a parent or legal guardian while hunting at those sites listed in this Section and Section 650.65 followed by a (6). Also, the parent or guardian may hunt if he or she has a valid firearm deer permit for the county in which the specific site is located or if site is followed by (5).
- h) Statewide regulations shall apply at the following sites:

- Burns-Habitat Area (quota-filled-by-drawing-from-hunters-with-Pox Ridge-State-Park-firearm-permits)
- Cache River State Natural Area (1) (2)
- Campbell Pond (1) (2)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

Carlyle Lake Lands and Waters (Corps of Engineers managed lands)

Carlyle Lake Wildlife Management Area (except subimpoundment area)

Chauncey Marsh (1) (2)

Crawford County Conservation Area (1) (2)

Cypress Creek National Wildlife Refuge

Cypress Pond State Natural Area (1) (2)

Dog Island Wildlife Management Area (1) (2)

Ferne Clyffe State Park (1) (2)

Fort de Chartres State Historic Site (muzzleloading rifles only) (1) (2)

Giant City State Park (1) (2)

Hamilton County Conservation Area (1) (2)

Horseshoe Lake Conservation Area - Alexander County (all portions of the Public Hunting Area except the Controlled Goose Hunting Area) (1) (2)

I-24 Wildlife Management Area (1) (2)

Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed during duck season) (2, except south of Highway 154 and north of Highway 13)

Kinkaid Lake Fish and Wildlife Area (1) (2)

Mermet Lake Conservation Area (1) (2)

Mississippi Fish and Waterfowl Management Area - Pools 25 and 26

Mississippi River Pool 16 (1)

Mississippi River Pools 17, 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Newton Lake Fish and Wildlife Area (2)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

Oakford Conservation Area (1)

Pere Marquette State Park (hunting in designated areas only) (2)

Rend Lake State Fish and Wildlife Area

Saline County Fish and Wildlife Area (1) (2)

Sangamon County Conservation Area

Sanganois State Wildlife Area (1)

Starved Rock/Matthiessen Dells State Park (Monday, Tuesday and Wednesday before the first statewide firearm deer season only) (antlerless deer only) (2) (5)

Starved Rock/Matthiessen Dells State Park (Monday, Tuesday and Wednesday before the second statewide firearm deer season only) (antlerless deer only) (2) (5)

Ten Mile Creek Fish and Wildlife Area (1); Belle Rive Unit only (3)

Trail of Tears State Forest (1) (2)

Turkey Bluffs Fish and Wildlife Area (1) (2)

Union County Conservation Area (Firing Line Unit only) (1) (2)

Weinberg-King State Park (2)

Wildcat Hollow State Forest (1)

i)†† Statewide regulations shall apply at the following sites by special permit allocated through the regular statewide drawing. Season dates that differ from the statewide dates are in parentheses. Sites that offer standby hunting are followed by a (5). At sites offering standby hunting, permit holders must register at the check station by 5:00 a.m. each day of the hunt. Unvalidated permits are void after 5:00 a.m. Vacancies each day will be filled by a drawing held at 5:00 a.m. Vacancies may be filled by any person holding a valid hunting license, Habitat Stamp, and Firearm Owner Identification Card, unless exempt. Standby hunters will be issued a one-day site-specific deer permit at the check station, and charged a permit fee of \$5. All hunters must check out and report harvest.

Apple River Canyon State Park - Thompson and Salem Units (first or second season only) (2)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

Argyle Lake Recreation Area (5)

Be all Woods State Park (first or second season only; antlerless deer only) (1) (2) (5)

Big River State Forest (5)

Castle Rock State Park (first or second season only) (antlerless only) (1) (2) (5)

Coffeen Lake State Fish and Wildlife Area (first-season-only)

~~Coffeen-Lake-State-Fish-and-Wildlife-Area-(second-season-only)~~

Des Plaines Conservation Area (first season only) (2) (5)

East Conant Field (1) (3)

Fort Massac State Park (second season only) (antlerless deer only) (2)

Fox Ridge State Park

Goose Lake Prairie State Park (tree stands not allowed; first or second season only; antlerless deer only; "Texas" style tripod stands allowed) (2) (5)

Green River State Wildlife Area (first or second season only) (1) (2) (5)

Harry "Babe" Woodyard State Natural Area (2) (3)

Heidecke State Fish and Wildlife Area (first or second season only) (2) (4) (5)

Hidden Springs State Forest

Horseshoe Lake Conservation Area - Alexander County (Refuge, last Saturday in October; antlerless only) (5)

Hurricane Creek Habitat Area

Iroquois County Conservation Area/Hooper Branch (first season only) (2) (5)

Iroquois County Conservation Area - Hooper Branch only (second season only) (2) (5)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

Jim Edgar Panther Creek State Fish and Wildlife Area (1) (2) (3)

Kickapoo State Park (2)

Lowden-Miller State Forest (first season only) (1) (2) (3) (5)

Lowden-Miller State Forest (second season only) (1) (2) (3) (5)

Mackinaw River Fish and Wildlife Area (1) (2) (5)

Marseilles Wildlife Area (1) (2) (5)

Marshall Fish and Wildlife Area (2) (5)

Middle Fork Fish and Wildlife Area (2)

Mississippi Palisades State Park (first season only)

Momence Wetlands

Morrison Rockwood State Park (first season only) (5)

Panther Creek Conservation Area (1) (2) (3)

Pyramid State Park (1) (2)

Ray Norbut Conservation Area (2) (5)

Sahara Woods (1) (2)

Sand Ridge State Forest (1) (2)

Sato Field (1) (3)

Siloam Springs State Park (2) (3)

Site-M-11-12-13

Tapley Woods State Natural Area (first or second season only) (2)

Union-County-Conservation-Area-(Refuge-only-last-Saturday-in-October)

Witkowsky Wildlife Area (first or second season only) (2)

Wolf Creek State Park (disabled hunters are exempt from site's antler restrictions) (3)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 24 Ill. Reg. 10260, effective July 1, 2000.)

**Section 650.65 Youth Hunt**

Statewide regulations shall apply except as noted in parentheses at the following sites by special permit allocated through the regular statewide drawing. Shooting is allowed from elevated tree stands only except as noted in parentheses. Applicants must be between the ages of 10-15.

Crab Orchard National Wildlife Refuge (first season only) (1) (2)

Dixon Springs State Park (1) (2) (6)

Fort Massac State Park (first season only) (1) (2) (6)

Lake Le Aqua Na State Park (hunting from Department established ground blinds only; first season only; participants other than youth hunters may only take antlerless deer) (1) (2) (5) (6)

(Source: Amended at 24 Ill. Reg. ~~10260~~, effective July 1, 2000.)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Demonstration Programs

2) Code Citation: 89 Ill. Adm. Code 170

3) Section Numbers: Adopted Action:

170.20 Repeal  
170.30 Repeal  
170.100 Repeal  
170.110 Repeal  
170.120 Repeal  
170.130 Repeal  
170.200 Repeal  
170.400 Repeal  
170.410 Repeal  
170.450 Repeal

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Effective Date of Repealer: July 1, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) A copy of the repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: March 17, 2000 (24 Ill. Reg. 4037)

10) Has JCAR issued a Statement of Objections to this repealer? No

11) Differences Between Proposal and Final Version: No changes have been made to the proposed repeal of Part 170.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this repealer replace emergency amendments currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Repealer: All of the demonstration projects described at 89 Ill. Adm. Code 170 have now expired. With the exceptions of Retinal Scanning (Section 170.400) and Electronic Fingerprinting (AIMS) Demonstration (Section 170.410), the demonstration programs were operated



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED REPEALER

by the Department of Human Services (DHS) after the State agency and human services reorganization of 1997. However, Part 170 was not recodified to DHS at that time because Subpart G: Biometric Identification Demonstration, including retinal scanning and fingerprinting, was in effect under the Department of Public Aid. The final project, electronic fingerprinting, expired on December 1, 1999. Therefore, Part 170 is now being repealed.

16) Information and questions regarding these adopted repealers shall be directed to:

Joanne Jones  
Office of the General Counsel, Rules Section  
Illinois Department of Public Aid  
201 South Grand Avenue East, Third Floor  
Springfield, Illinois 62763-0002  
(217) 524-0081

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: Adopted Action:  
140.33 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ICS 5/12-13]
- 5) Effective Date of Amendments: July 1, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: March 17, 2000 (24 Ill. Reg. 4071)
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences Between Proposal and Final Version: The following changes have been made to the proposed rulemaking:  
The last sentence of subsection (a) has been revised to read, "The list shall be published on the Office of the Inspector General's (OIG) website at [www.state.il.us/agency/oig](http://www.state.il.us/agency/oig)."  
The stricken language in subsection (b) has been retained, except as follows, "-and-to-all-other-entities-that-request-it".  
After the first sentence of subsection (c), a new sentence has been added to read, "Inquiries may be directed to the OIG at 404 North Fifth Street, Springfield, Illinois 62702, or at [oigwebmaster@all.ipoa.state.il.us](mailto:oigwebmaster@all.ipoa.state.il.us)."  
No other substantive changes have been made in the text of the proposed rulemaking.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? Yes

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

Sections	Proposed Action	Illinois Register Citation
140.11	Amendment	June 30, 2000 (24 Volume 111. Reg. 8800)
140.12	Amendment	June 30, 2000 (24 Volume 111. Reg. 8800)
140.21	Amendment	June 30, 2000 (24 Volume 111. Reg. 8800)
140.502	Amendment	June 30, 2000 (24 Volume 111. Reg. 8800)
140.503	Amendment	June 30, 2000 (24 Volume 111. Reg. 8800)
140.505	New Section	June 30, 2000 (24 Volume 111. Reg. 8800)
140.506	Amendment	June 30, 2000 (24 Volume 111. Reg. 8800)
140.506	Amendment	June 30, 2000 (24 Volume 111. Reg. 8800)

- 15) **Summary and Purpose of Amendments:** Changes are being made to Section 140.33 concerning public access to information on Department actions to terminate, suspend or bar vendors from participation in the Medical Assistance Program. These amendments provide for publication of this information on the Inspector General's website.

Currently, the Department is required to publish a list of every entity that is currently terminated, suspended or barred from participation in the Medical Assistance Program. This sanction list is supplemented with additions and deletions each month and then mailed, upon request, to provider associations and societies and to all other entities that request it. The Office of the Inspector General takes responsibility for maintaining the list and distributing it upon request. Under the proposed amendments, the list will be published on the Inspector General's website and paper listings, upon request, will be mailed only to associations and societies of vendors in the Medical Assistance Program.

The primary goal in placing vendor information on the Internet is to improve the ability of medical assistance providers to keep ineligible persons from providing Medicaid services. For instance, when the Department terminates, suspends or bars a pharmacist, he or she is often hired by a hospital or large chain store that is unaware of the Department's action. With easy access to information on the Internet, the Department would expect providers to check the sanction list prior to the hiring of new employees. It is expected that Internet publication of ineligible persons will result in a higher level of provider accountability.

These proposed amendments are not expected to result in any significant budgetary changes.

- 16) **Information and questions regarding these adopted amendments shall be directed to:**

Joanne Jones  
Office of the General Counsel, Rules Section  
Illinois Department of Public Aid  
201 South Grand Avenue East, Third Floor  
Springfield, Illinois 62763-0002

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

(217) 524-0081

The full text of the adopted amendments begins on the next page:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENT(S)

TITLE 89: SOCIAL SERVICES  
CHAPTER 1: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140  
MEDICAL PAYMENT

## SUBPART A: GENERAL PROVISIONS

Section  
140.1 Incorporation By Reference  
140.2 Medical Assistance Programs  
140.3 Covered Services Under Medical Assistance Programs  
140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)  
140.5 Covered Medical Services Under General Assistance  
140.6 Medical Services Not Covered  
140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen  
140.8 Who Do Not Qualify for AFDC and Children Under Age Eight  
140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy  
140.10 Medical Assistance Provided to Incarcerated Persons

## SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section  
140.11 Enrollment Conditions for Medical Providers  
140.12 Participation Requirements for Medical Providers  
140.13 Definitions  
140.14 Denial of Application to Participate in the Medical Assistance Program  
140.15 Recovery of Money  
140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program  
140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program  
140.18 Effect of Termination on Individuals Associated with Vendor  
140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring  
140.20 Submittal of Claims  
140.21 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)  
140.22 Magnetic Tape Billings  
140.23 Payment of Claims  
140.24 Payment Procedures  
140.25 Overpayment or Underpayment of Claims  
140.26 Payment to Factors Prohibited  
140.27 Assignment of Vendor Payments

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENT(S)

Record Requirements for Medical Providers  
140.28 Audits  
140.30 Emergency Services Audits  
140.31 Prohibition on Participation, and Special Permission for  
140.32 Participation  
140.33 Publication of List of Terminated, Suspended or Barred Entities  
140.35 False Reporting and Other Fraudulent Activities  
140.40 Prior Approval for Medical Services or Items  
140.41 Prior Approval in Cases of Emergency  
140.42 Limitation on Prior Approval  
140.43 Post Approval for Items or Services When Prior Approval Cannot Be Obtained  
140.55 Recipient Eligibility Verification (REV) System  
140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice  
Voucher Advance Payment and Expedited Payments  
140.72 Drug Manual (Recodified)  
140.73 Drug Manual Updates (Recodified)

## SUBPART C: PROVIDER ASSESSMENTS

Section  
140.80 Hospital Provider Fund  
140.82 Developmentally Disabled Care Provider Fund  
140.84 Long Term Care Provider Fund  
140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund  
140.95 Hospital Services Trust Fund  
140.96 General Requirements (Recodified)  
140.97 Special Requirements (Recodified)  
140.98 Covered Hospital Services (Recodified)  
140.99 Hospital Services Not Covered (Recodified)  
140.100 Limitation on Hospital Services (Recodified)  
140.101 Transplants (Recodified)  
140.102 Heart Transplants (Recodified)  
140.103 Liver Transplants (Recodified)  
140.104 Bone Marrow Transplants (Recodified)  
140.110 Disproportionate Share Hospital Adjustments (Recodified)  
140.116 Payment for Inpatient and Clinic Services for GA (Recodified)  
140.117 Hospital Outpatient and Clinic Services (Recodified)  
140.200 Payment for Hospital Services During Fiscal Year 1992 (Recodified)  
140.201 Payment for Hospital Services After June 30, 1992 (Repealed)  
140.202 Payment for Hospital Services During Fiscal Year 1993 (Recodified)  
140.203 Limits on Length of Stay by Diagnosis (Recodified)  
140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)  
140.350 Copayments (Recodified)  
140.360 Payment Methodology (Recodified)  
140.361 Non-Participating Hospitals (Recodified)  
140.362 Pre July 1, 1989 Services (Recodified)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENT(S)

140.363 Post June 30, 1989 Services (Recodified)  
 140.364 Prepayment Review (Recodified)  
 140.365 Base Year Costs (Recodified)  
 140.366 Restructuring Adjustment (Recodified)  
 140.367 Inflation Adjustment (Recodified)  
 140.368 Volume Adjustment (Repealed)  
 140.369 Groupings (Recodified)  
 140.370 Rate Calculation (Recodified)  
 140.371 Payment (Recodified)  
 140.372 Review Procedure (Recodified)  
 140.373 Utilization (Repealed)  
 140.374 Alternatives (Recodified)  
 140.375 Exemptions (Recodified)  
 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)  
 140.379 Subacute Alcoholism and Substance Abuse Services (Recodified)  
 140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)  
 140.391 Definitions (Recodified)  
 140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)  
 140.393 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)  
 140.394 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)  
 140.396 Hearings (Recodified)  
 140.398

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section  
 140.400 Payment to Practitioners, Nurses and Laboratories  
 140.410 Physicians' Services  
 140.411 Covered Services By Physicians  
 140.412 Services Not Covered By Physicians  
 140.413 Limitation on Physician Services  
 140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians  
 140.416 Optometric Services and Materials  
 140.417 Limitations on Optometric Services  
 140.418 Department of Corrections Laboratory  
 140.420 Dental Services  
 140.421 Limitations on Dental Services  
 140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy Items - Dentists  
 140.425 Podiatry Services  
 140.426 Limitations on Podiatry Services  
 140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry  
 140.428 Chiropractic Services  
 140.429 Limitations on Chiropractic Services (Repealed)  
 140.430 Independent Clinical Laboratory Services  
 140.431 Services Not Covered by Independent Clinical Laboratories

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENT(S)

140.432 Limitations on Independent Clinical Laboratory Services  
 140.433 Payment for Clinical Laboratory Services  
 140.434 Record Requirements for Independent Clinical Laboratories  
 140.435 Nurse Services  
 140.436 Limitations on Nurse Services  
 140.438 Imaging Centers  
 140.440 Pharmacy Services  
 140.441 Pharmacy Services Not Covered  
 140.442 Prior Approval of Prescriptions  
 140.443 Filling of Prescriptions  
 140.444 Compounded Prescriptions  
 140.445 Legend Prescription Items (Not Compounded)  
 140.446 Over-the-Counter Items  
 140.447 Reimbursement  
 140.448 Returned Pharmacy Items  
 140.449 Payment of Pharmacy Items  
 140.450 Record Requirements for Pharmacies  
 140.451 Prospective Drug Review and Patient Counseling  
 140.452 Mental Health Clinic Services  
 140.453 Definitions  
 140.454 Types of Mental Health Clinic Services  
 140.455 Payment for Mental Health Clinic Services  
 140.456 Hearings  
 140.457 Therapy Services  
 140.458 Prior Approval for Therapy Services  
 140.459 Payment for Therapy Services  
 140.460 Clinic Services  
 140.461 Clinic Participation, Data and Certification Requirements  
 140.462 Covered Services in Clinics  
 140.463 Clinic Service Payment  
 140.464 Healthy Moms/Healthy Kids Managed Care Clinics (Repealed)  
 140.465 Speech and Hearing Clinics (Repealed)  
 140.466 Rural Health Clinics  
 140.467 Independent Clinics  
 140.469 Hospice  
 140.470 Home Health Services  
 140.471 Home Health Covered Services  
 140.472 Types of Home Health Services  
 140.473 Prior Approval for Home Health Services  
 140.474 Payment for Home Health Services  
 140.475 Medical Equipment, Supplies and Prosthetic Devices  
 140.476 Medical Equipment, Supplies and Prosthetic Devices for Which Payment Will Not Be Made  
 140.477 Limitations on Equipment, Supplies and Prosthetic Devices  
 140.478 Prior Approval for Medical Equipment, Supplies and Prosthetic Devices  
 140.479 Limitations, Medical Supplies  
 140.480 Equipment Rental Limitations  
 140.481 Payment for Medical Equipment, Supplies, Prosthetic Devices and Hearing Aids



DEPARTMENT OF PUBLIC AID

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT(S)

140.482	Family Planning Services	140.532	Health Care Costs
140.483	Limitations on Family Planning Services	140.533	General Administration Costs
140.484	Payment for Family Planning Services	140.534	Ownership Costs
140.485	Healthy Kids Program	140.535	Costs for Interest, Taxes and Rent
140.486	Limitations on Medichesk Services (Repealed)	140.536	Organization and Pre-Operating Costs
140.487	Healthy Kids Program Timeliness Standards	140.537	Payments to Related Organizations
140.488	Periodicity Schedule, Immunizations and Diagnostic Laboratory Procedures	140.538	Special Costs
140.490	Medical Transportation	140.539	Reimbursement for Basic Nursing Assistant, Developmental Disabilities Aide, Basic Child Care Aide and Rehabilitation Aide Training and
140.491	Limitations on Medical Transportation		Nursing Assistant Competency Evaluation
140.492	Payment for Helicopter Transportation		Costs Associated With Nursing Home Care Reform Act and Implementing
140.493	Payment for Helicopter Transportation		Regulations
140.495	Psychological Services	140.540	Salaries Paid to Owners or Related Parties
140.496	Payment for Psychological Services	140.541	Cost Reports-Filing Requirements
140.497	Hearing Aids	140.542	Time Standards for Filing Cost Reports
		140.543	Access to Cost Reports (Repealed)
		140.544	Penalty for Failure to File Cost Reports
		140.545	Update of Operating Costs
		140.550	General Service Costs
		140.551	Nursing and Program Costs
		140.552	General Administrative Costs
		140.553	Component Inflation Index
		140.554	Minimum Wage
		140.555	Components of the Base Rate Determination
		140.560	Support Costs Components
		140.561	Nursing Costs
		140.562	Capital Costs
		140.563	Kosher Kitchen Reimbursement
		140.565	Out-of-State Placement
		140.566	Level II Incentive Payments (Repealed)
		140.567	Duration of Incentive Payments (Repealed)
		140.568	Clients With Exceptional Care Needs
		140.569	Capital Rate Component Determination
		140.570	Capital Rate Calculation
		140.571	Total Capital Rate
		140.572	Other Capital Provisions
		140.573	Capital Rates for Rented Facilities
		140.574	Newly Constructed Facilities (Repealed)
		140.575	Renovations (Repealed)
		140.576	Capital Costs for Rented Facilities (Renumbered)
		140.577	Property Taxes
		140.578	Specialized Living Centers
		140.579	Mandated Capital Improvements (Repealed)
		140.580	Qualifying as Mandated Capital Improvement (Repealed)
		140.581	Cost Adjustments
		140.582	Campus Facilities
		140.583	Illinois Municipal Retirement Fund (IMRF)
		140.584	Audit and Record Requirements
		140.590	Screening Assessment for Nursing Facility and Alternative Residential
		140.642	

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENT(S)

Settings and Services  
 140.643 In-Home Care Program  
 140.645 Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21  
 140.646 Reimbursement for Developmental Training (DT) Services for Individuals with Developmental Disabilities Who Reside in Long Term Care (ICF AND SNF) and Residential (ICF/MR) Facilities  
 140.647 Description of Developmental Training (DT) Services  
 140.648 Determination of the Amount of Reimbursement for Developmental Training (DT) Programs  
 140.649 Effective Dates of Reimbursement for Developmental Training (DT) Programs  
 140.650 Certification of Developmental Training (DT) Programs  
 140.651 Decertification of Day Programs  
 140.652 Terms of Assurances and Contracts  
 140.653 Effective Date of Payment Rate  
 140.680 Discharge of Long Term Care Residents  
 140.700 Appeals of Rate Determinations  
 140.830 Determination of Cap on Payments for Long Term Care (Repealed)  
 140.835

## SUBPART F: MEDICAID PARTNERSHIP PROGRAM

Section  
 140.850 General Description (Repealed)  
 140.855 Definition of Terms (Repealed)  
 140.860 Covered Services (Repealed)  
 140.865 Sponsor Qualifications (Repealed)  
 140.870 Sponsor Responsibilities (Repealed)  
 140.875 Department Responsibilities (Repealed)  
 140.880 Provider Qualifications (Repealed)  
 140.885 Provider Responsibilities (Repealed)  
 140.890 Payment Methodology (Repealed)  
 140.895 Contract Monitoring (Repealed)  
 140.896 Reimbursement For Program Costs (Active Treatment) For Clients In Long Term Care Facilities For the Developmentally Disabled (Repealed)  
 140.900 Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Repealed)  
 140.901 Functional Areas of Needs (Repealed)  
 140.902 Service Needs (Repealed)  
 140.903 Definitions (Repealed)  
 140.904 Times and Staff Levels (Repealed)  
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 140.928 Client Enrollment and Program Components (Repealed)  
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 140.960 Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)  
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AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Reg. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17893; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 9, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg.

14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Reg. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140-Table H and 140-Table I recodified to 89 Ill. Reg. Code 147.5 thru 147.205 and 147-Table A and 147-Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Reg. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7693, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396,

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effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140, 140.850 thru 140.896 reclassified to 89 Ill. Adm. Code 146-5 thru 146-225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.998 reclassified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11518, effective July 5, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 reclassified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7249, effective April 17, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12062, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 12622, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July

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1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12519, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 374, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11348, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11174, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15165, effective September 2, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2333,



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effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 9081, effective June 26, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective 1/2000.

## SUBPART B: MEDICAL PROVIDER PARTICIPATION

## Section 140.33 Publication of List of Terminated, Suspended or Barred Entities

- a) The Department shall publish a list of every entity that is currently terminated, suspended or barred from participation in the Medical Assistance program. The list shall also include the period of

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- suspension. The list shall be supplemented with additions and deletions each month, if any. The list shall be published on the Office of the Inspector General's (OIG) website at www.state.il.us/agency/oig.
- b) The Department shall, upon request, mail the list and supplements, without charge, to associations and societies of vendors in the Medical Assistance Program, including their affiliates and componenters ~~and to all other entities that request it.~~ Societies and associations of vendors and other entities that wish to receive the list are responsible for providing the Department with a current mailing address.
- c) An entity may file a written request, in writing or via e-mail, for a list of any adverse actions against a particular entity that are not currently in effect. Inquiries may be directed to the OIG at 404 North Fifth Street, Springfield, Illinois 62702, or at oigwebmaster@mail.idpa.state.il.us. The Department shall respond in writing to such a request within ten days after receiving it.

(Source: Amended at 24 Ill. Reg. 10277, effective 1/2000.)

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1) Heading of the Part: Rights and Responsibilities2) Code Citation: 89 Ill. Adm. Code 1023) Section Numbers:  
102.210 Adopted Action:  
Amendment4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]5) Effective Date of Amendments: July 1, 20006) Does this rulemaking contain an automatic repeal date? No7) Do these amendments contain incorporations by reference? No8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.9) Notice of Proposal Published in Illinois Register: March 3, 2000 (24 Ill. Reg. 3474)10) Has JCAR issued a Statement of Objection to these amendments? No11) Differences Between Proposal and Final Version: Subsection b) has been reformatted for clarity.

No other changes have been made in the text of the proposed rulemaking.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes13) Will these amendments replace emergency amendments currently in effect? No14) Are there any other amendments pending on this Part? No15) Summary and Purpose of Amendments: These amendments on the recovery of assistance provide for the waiver of estate recovery concerning the estate of a deceased recipient, or his or her deceased spouse, when Department pursuit of recovery would cause certain undue hardship to an heir or beneficiary. These changes respond to provisions of OBRA'93 that require states to establish a procedure by which heirs and beneficiaries of a decedent's estate may apply for a waiver of estate recovery when such recovery would result in hardship. On August 18, 1999, HCFA approved an amendment to the Illinois Medicaid State Plan providing for a waiver of estate recovery based on undue hardship.

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Currently, to avoid undue hardship, the Department will waive its right to recover from a decedent's estate to the extent that a court approves an award for a surviving spouse or dependent child under the Illinois Probate Act. Individuals seeking an award based on the waiver of estate recovery must file a petition with the probate court having jurisdiction over the decedent's estate. Under these new amendments, the Department will waive estate recovery based on undue hardship if pursuing recovery would cause an heir or beneficiary to become, or remain, eligible for a public benefit program, such as SSI, TANF, or Food Stamps. However, if the claims of other estate creditors would exhaust the decedent's estate, the Department will not waive its claim despite undue hardship. The Department will give known heirs and beneficiaries of a decedent's estate advance notice of the opportunity to apply for a waiver of estate recovery.

No appreciable budgetary effect is expected to result from implementation of these changes on estate recovery.

16) Information and questions regarding these adopted amendments shall be directed to:

Joanne Jones  
Office of the General Counsel, Rules Section  
Illinois Department of Public Aid  
201 South Grand Avenue East, Third Floor  
Springfield, Illinois 62763-0002  
(217) 524-0081

The full text of the adopted amendments begins on the next page:

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TITLE 89. SOCIAL SERVICES  
CHAPTER 11. DEPARTMENT OF PUBLIC AID  
SUBCHAPTER a. GENERAL PROVISIONS

## PART 102

## RIGHTS AND RESPONSIBILITIES

## Section

- 102.1 Incorporation By Reference
- 102.10 Rights of Clients
- 102.20 Nondiscrimination
- 102.21 Voter Registration
- 102.25 Grievance Rights of Clients
- 102.30 Confidentiality of Case Information
- 102.35 Case Records
- 102.40 Freedom of Choice
- 102.50 Reporting Change of Circumstances
- 102.60 Referral Requirements
- 102.63 Reporting Child Abuse/Neglect
- 102.66 Suitability of Home
- 102.70 Notice to Client
- 102.80 Right to Appeal
- 102.81 Continuation of Assistance Pending Appeal
- 102.82 Time Limit for Filing an Appeal
- 102.83 Examining Department Records
- 102.84 Child Care
- 102.90 Voluntary Repayment of Assistance
- 102.100 Excess Assistance (Recodified)
- 102.110 Recoupment of Overpayments (Recodified)
- 102.120 Correction of Underpayments
- 102.200 Recovery of Assistance
- 102.210 Estate Claims
- 102.220 Real Property Liens
- 102.230 Filing and Renewal of Liens
- 102.235 Liens on Property of Institutionalized Recipients
- 102.240 Foreclosure of Liens
- 102.250 Release of Liens
- 102.260 Personal Injury Claims
- 102.270 Convictions of Fraud - Eligibility
- 102.280 Single Conviction of Fraud - Administrative Review Board

AUTHORITY: Implementing Article XI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ICS 5/Art. XI and 12-13].

SOURCE: Filed and effective December 31, 1977; peremptory rule at 2 Ill. Reg. 52, p. 449, effective December 13, 1978; amended at 2 Ill. Reg. 52, p. 462, December 23, 1978; peremptory amendment at 3 Ill. Reg. 11, p. 39, effective March 1, 1979; amended at 3 Ill. Reg. 41, p. 167, effective October 1, 1979;

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- amended at 3 Ill. Reg. 43, p. 196, effective October 15, 1979; amended at 5 Ill. Reg. 8035, effective July 27, 1981; amended at 5 Ill. Reg. 10775, effective October 1, 1981; amended at 6 Ill. Reg. 894, effective January 7, 1982; codified at 7 Ill. Reg. 5706; amended at 7 Ill. Reg. 8350, effective July 1, 1983; amended at 8 Ill. Reg. 18910, effective September 26, 1984; amended at 9 Ill. Reg. 327, effective December 31, 1984; amended at 9 Ill. Reg. 3730, effective March 13, 1985; amended at 9 Ill. Reg. 6812, effective April 26, 1985; amended at 9 Ill. Reg. 7162, effective May 1, 1985; amended at 9 Ill. Reg. 13091, effective August 16, 1985; amended at 9 Ill. Reg. 14704, effective September 13, 1985; amended at 9 Ill. Reg. 15912, effective October 4, 1985; amended at 10 Ill. Reg. 3981, effective February 22, 1986; amended at 10 Ill. Reg. 14795, effective August 29, 1986; amended at 10 Ill. Reg. 19088, effective October 24, 1986; Sections 102.100 and 102.110 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; amended at 11 Ill. Reg. 14067, effective August 10, 1987; amended at 11 Ill. Reg. 18239, effective October 30, 1987; amended at 12 Ill. Reg. 3735, effective February 5, 1988; amended at 13 Ill. Reg. 3940, effective March 10, 1989; amended at 14 Ill. Reg. 13279, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 20078, effective December 3, 1990, for a maximum of 150 days; amended at 15 Ill. Reg. 7202, effective April 30, 1991; amended at 18 Ill. Reg. 273, effective December 28, 1993; amended at 18 Ill. Reg. 8938, effective June 3, 1994; amended at 19 Ill. Reg. 1108, effective January 26, 1995; emergency amendment at 19 Ill. Reg. 12320, effective August 14, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 883, effective December 29, 1995; amended at 21 Ill. Reg. 619, effective January 1, 1997; emergency amendment at 21 Ill. Reg. 4037, effective March 14, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7438, effective June 1, 1997; amended at 21 Ill. Reg. 11955, effective August 13, 1997; amended at 24 Ill. Reg. ~~10294~~, effective ~~July 1, 2000~~.

## Section 102.210 Estate Claims

## a) Definitions in this Section are as follows:

- 1) "Estate" - all real and personal property within an individual's estate as provided in Illinois probate law. For a decedent who received benefits under a long term care insurance policy in connection with which assets were disregarded, the term "estate" includes all real and personal property in which the individual had legal title or interest at the time of death (to the extent of such interest), including assets conveyed to a survivor, heir or assignee of the deceased person through joint tenancy, tenancy in common, survivorship, life estate, living trust or other arrangement.
- 2) "Beneficiary" - any person nominated in a will to receive an interest in property other than in a fiduciary capacity.
- 3) "Heir" - any person entitled under the statutes to an interest in property of a decedent.
- b) The Department's claim against the estate of a deceased recipient or against the estate of the recipient's deceased spouse, regardless of

## DEPARTMENT OF PUBLIC AID

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the order of death, shall encompass:

- 1) All income maintenance assistance paid out at any time; and
- 2) All medical assistance paid out:
  - A) at any time for a permanently institutionalized recipient whose real property is subject to the Department's lien; or
  - B) ~~3) All medical assistance paid out,~~
  - C) except the costs of Community Care Program (CCP) services, prior to October 1, 1993, for a recipient while 65 years of age or older; or 4) All medical assistance paid out on or after October 1, 1993, for a recipient while 55 years of age or older; or 5) All medical assistance paid out for Medicare cost sharing expenses of a Qualified Medicare Beneficiary (QMB).

- c) The claim shall apply to assistance provided to or in behalf of a recipient on or after the following dates:

## Assistance Program Effective Date

- 1) AABD (Aged) 1) 1963
- 2) AABD (Blind) and (Disabled) 2) November, 1963
- 3) MANG (Aged), (Blind), and (Disabled) (MANG(A), (B), and (D)) 3) January 1, 1966

- d) The Department shall not enforce a claim for medical assistance against any property, real or personal, of a deceased recipient while one or more of the following relatives survives: spouse of decedent, child under 21, or child over 21 who is blind or permanently and totally disabled.

- e) The Department shall not enforce a claim for income maintenance assistance against homestead property of a deceased recipient while the homestead is occupied by one or more of the surviving relatives previously specified.

- f) To avoid undue hardship, the Department will waive its right to recover from a decedent's estate if pursuing recovery would cause an heir or beneficiary of the estate to become or remain eligible for a public benefit program, such as SSI, TANF or Food Stamps. The Department may limit the scope of its waiver to that portion of the estate that the heir or beneficiary would receive and pursue recovery against the balance of the estate, if any. The Department will not waive recovery despite undue hardship if payment of the claims of other estate creditors that are equal or inferior in priority to the Department's claim will exhaust the estate and defeat the purpose of the waiver. The Department will provide written notice to heirs and

## DEPARTMENT OF PUBLIC AID

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beneficiaries known to the Department of the opportunity, time frame and method to request a waiver of estate recovery based on undue hardship to the extent a court approves an award for a surviving spouse or dependent child under the Illinois Probate Act (755-1b69-51). The amount of the recovery waived is equal to the amount of the award or awards. Individuals seeking to obtain an award must file a petition with the probate court having jurisdiction over the decedent's estate. The procedure for providing notice to the survivors of the decedent consists of the filing of the claim. Any appeal action taken by the survivors would be with the probate court. The Department may defer or waive enforcement of its claim for income maintenance assistance if it determines that:

- g) 1) The deceased recipient is survived by a dependent spouse and minor child or children; or
- 2) Rehabilitative training for employment or other means of self-support for the surviving spouse or children is feasible, and deferment or waiver will facilitate achievement of self-support status and prevent or reduce the likelihood of return to dependency on public assistance of the spouse or children.

(Source: Amended at 24 Ill. Reg. 10294, effective JUL - 1 2000)



## TEACHER'S RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Administration and Operation of the Teachers' Retirement System
- 2) Code Citation: 80 Ill. Adm. Code 1650
- 3) Section Numbers:
- |           |     |
|-----------|-----|
| 1650.1110 | New |
| 1650.1111 | New |
| 1650.1112 | New |
| 1650.1113 | New |
| 1650.1114 | New |
| 1650.1115 | New |
| 1650.1116 | New |
| 1650.1117 | New |
| 1650.1118 | New |
| 1650.1119 | New |
| 1650.1120 | New |
| 1650.1121 | New |
| 1650.1122 | New |
- Proposed Action:
- |           |     |
|-----------|-----|
| 1650.1110 | New |
| 1650.1111 | New |
| 1650.1112 | New |
| 1650.1113 | New |
| 1650.1114 | New |
| 1650.1115 | New |
| 1650.1116 | New |
| 1650.1117 | New |
| 1650.1118 | New |
| 1650.1119 | New |
| 1650.1120 | New |
| 1650.1121 | New |
| 1650.1122 | New |

- 4) Statutory Authority: Implementing and authorized by Article 16 [40 ILCS 5/16] and Article 1, Section 119 [40 ILCS 5/1-119] of the Illinois Pension Code.

- 5) Effective Date of Amendments: June 26, 2000

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Do these amendments contain incorporations by reference? No

- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: April 14, 2000, 24 Ill. Reg. 6372

- 10) Has JCAR issued a Statement of Objection to these amendments? No

- 11) Differences between proposal and final version: Various punctuation changes recommended by JCAR were made in the final version.

- 12) Have all the changes agreed upon by the agency and JCAR been as indicated in the agreements issued by JCAR? Yes

- 13) Will these amendments replace an emergency amendment currently in effect?  
No

## TEACHER'S RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The rulemaking reorganizes the System's disability rules to make them more understandable to the TRS membership, and more fully clarifies existing TRS practices.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Cynthia M. Fain, Assistant General Counsel  
Teachers' Retirement System  
2815 West Washington  
P.O. Box 19253  
Springfield, Illinois 62794-9253  
(217) 753-0375

The full text of the adopted amendments begins on the next page:

## TEACHER'S RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

## SUBTITLE D: RETIREMENT SYSTEMS

## CHAPTER III: TEACHERS' RETIREMENT SYSTEM OF

## THE STATE OF ILLINOIS

## PART 1650

## THE ADMINISTRATION AND OPERATION OF THE

## TEACHERS' RETIREMENT SYSTEM

## SUBPART A: REPORTS BY BOARD OF TRUSTEES

## Section

1650.10 Annual Financial Report (Repealed)

## SUBPART B: BASIC RECORDS AND ACCOUNTS

## Section

1650.110 Membership Records

1650.120 Claims Records (Repealed)

1650.130 Individual Accounts (Repealed)

1650.140 Ledger and Accounts Books (Repealed)

1650.150 Statistics (Repealed)

1650.160 Confidentiality of Records

1650.160 Filing and Payment Requirements

1650.181 Early Retirement Incentive Payment Requirements

1650.181 Waiver of Additional Amounts Due

1650.183 Definition of Employer's Normal Cost

## SUBPART C: FILING OF CLAIMS

## Section

1650.201 Disability Benefits - Application Procedure

1650.202 Disability and Occupational Disability Benefits - Definitions

1650.203 Disability Retirement Annuity - Definitions

1650.204 Gainful Employment - Consequences

1650.205 Medical Examinations and Investigation of Disability Claims

1650.206 Physician Certificates

1650.207 Disability Due to Pregnancy

1650.208 Disability Payments

1650.209 Computation of Annual Salary When Member Has Different Semester Salary Rates

1650.210 Claim Applications

1650.211 Disability Recipient Eligible to Receive an Age or Disability Retirement Annuity

1650.220 Reclassification of Disability Claim (Repealed)

1650.221 When Member Becomes Annuitant

1650.222 Death Out of Service

1650.230 Medical Examinations and Investigations of Claims (Repealed)

## TEACHER'S RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

1650.240 Refunds; Impermissible Refunds; Canceled Service; Repayment

1650.250 Death Benefits

1650.260 Evidence of Age

1650.270 Reversionary Annuity - Evidence of Dependency

1650.271 Evidence of Parentage

1650.272 Eligible Child Dependent By Reason of a Physical or Mental Disability

1650.280 Evidence of Marriage

1650.290 Offsets

## SUBPART D: MEMBERSHIP AND SERVICE CREDITS

## Section

1650.310 Effective Date of Membership

1650.320 Method of Calculating Service Credits

1650.325 Method of Calculating Service Credit for Recipients of a Disability Benefit or Occupational Disability Benefit

1650.330 Duplicate Service Credit

1650.340 Service Credit for Leaves of Absence

1650.341 Service Credit for Involuntary Layoffs

1650.346 Service Credit for Periods Away From Teaching Due to Pregnancy

1650.346 Service Credit for Periods Away From Teaching Due to Adoption

1650.350 Service Credit for Unused Accumulated Sick Leave Upon Retirement

1650.355 Purchase of Optional Service - Required Minimum Payment

1650.356 Payroll Deduction Program

1650.357 Employer Payment of Member's Optional Service and/or Upgrade

1650.370 Contribution Balance

1650.360 Settlement Agreements and Judgments

1650.370 Calculation of Average Salary (Renumbered)

1650.380 Definition of Actuarial Equivalent

1650.390 Independent Contractors

1650.391 Optional 2-2 Upgrade of Earned and Credited Service

1650.392 2-2 Upgrade of Optional Service Not Credited at Initial Upgrade Application

## SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

## Section

1650.410 Return of Contributions for Duplicate or Excess Service

1650.420 Interest on Deficiencies (Repealed)

1650.430 Installment Payments (Repealed)

1650.440 Small Deficiencies, Credits or Death Benefit Payments

1650.450 Definition of Salary

1650.451 Reporting of Conditional Payments

1650.460 Calculation of Average Salary

1650.470 Rollover Distributions

1650.480 Rollovers to the System

## TEACHER'S RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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## SUBPART F: RULES GOVERNING ANNUITANTS AND BENEFICIARIES

Section	
1650.505	Beneficiary (Repealed)
1650.510	Re-entry into Service
1650.520	Suspension of Benefits
1650.530	Power of Attorney
1650.540	Conservators/Guardians
1650.550	Presumption of Death
1650.560	Benefits Payable on Death
1650.570	Survivors' Benefits
1650.571	Payment of Monthly Survivor Benefits to a Trust
1650.575	Full-time Student - Receipt of Survivors Benefits Until Age 22
1650.580	Evidence of Eligibility
1650.590	Comptroller Offset
1650.595	Overpayments

## SUBPART G: ATTORNEY GENERALS' OPINION

Section	
1650.605	Policy of the Board Concerning Attorney Generals' Opinion (Repealed)

## SUBPART H: ADMINISTRATIVE REVIEW

Section	
1650.610	Staff Responsibility
1650.620	Right of Appeal
1650.630	Form of Written Request
1650.640	Prehearing Procedure
1650.650	Hearing Procedure
1650.660	Rules of Evidence

## SUBPART I: AMENDMENTS TO BYLAWS AND RULES

Section	
1650.710	Amendments

## SUBPART J: RULES OF ORDER

Section	
1650.810	Parliamentary Procedure

## SUBPART K: FREEDOM OF INFORMATION ACT REQUESTS

Section	
1650.910	Summary and Purpose
1650.920	Definitions
1650.930	Submission of Requests

## TEACHER'S RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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1650.940	Form and Content of FOIA Requests
1650.950	Appeal of a Denial
1650.960	Executive Director's Response to Appeal
1650.970	Response to FOIA Requests
1650.980	Inspection of Records at System Office
1650.990	Copies of Public Records
1650.995	Materials Available Under Section 4 of FOIA

## SUBPART L: BOARD ELECTION PROCEDURES

Section	
1650.1000	Nomination of Candidates
1650.1010	Petitions
1650.1020	Eligible Voters
1650.1030	Election Materials
1650.1040	Making of Ballots
1650.1050	Return of Ballots
1650.1060	Observation of Ballot Counting
1650.1070	Certification of Ballot Counting
1650.1080	Challenges to Ballot Counting

## SUBPART M: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

Section	
1650.1110	Definitions
1650.1111	Requirements for a Valid Qualified Illinois Domestic Relations Order
1650.1112	Curing Minor Deficiencies
1650.1113	Required Form
1650.1114	Filing a QILDRO with the System
1650.1115	Benefits Affected by a QILDRO
1650.1116	Effect of a Valid QILDRO
1650.1117	QILDROS Against Persons Who Became Members Prior to July 1, 1999
1650.1118	Alternate Payee's Address
1650.1119	Electing Form of Payment
1650.1120	Automatic Annual Increases
1650.1121	Reciprocal Systems QILDRO Policy Statement
1650.1122	Providing Benefit Information for Divorce Purposes

## SUBPART N M: RETIREMENT BENEFITS

Section	
1650.2900	Excess Benefit Arrangement

AUTHORITY: Implementing and authorized by Article 16 of the Illinois Pension Code [40 ILCS 5/Art. 16]; Freedom of Information Act [5 ILCS 140]; Internal Revenue Code (26 USC 1 et seq.); and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

## TEACHER'S RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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SOURCE: Filed June 20, 1998; emergency rules adopted at 2 Ill. Reg. 49, p. 249, effective November 29, 1978, for a maximum of 150 days; adopted at 3 Ill. Reg. 9, p. 1, effective March 3, 1979; codified at 8 Ill. Reg. 16350; amended at 9 Ill. Reg. 20885, effective December 17, 1985; amended at 12 Ill. Reg. 16896, effective October 3, 1988; amended at 14 Ill. Reg. 18305, effective October 29, 1990; amended at 15 Ill. Reg. 16731, effective November 5, 1991; amended at 17 Ill. Reg. 1631, effective January 22, 1993; amended at 18 Ill. Reg. 6349, effective April 15, 1994; emergency amendment at 18 Ill. Reg. 8949, effective May 24, 1994, for a maximum of 150 days; emergency modified at 18 Ill. Reg. 12880; amended at 18 Ill. Reg. 15354, effective September 27, 1994; amended at 20 Ill. Reg. 3118, effective February 5, 1996; emergency amendment at 21 Ill. Reg. 483, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7422, effective January 31, 1997; amended at 21 Ill. Reg. 4844, effective March 27, 1997; emergency amendment at 21 Ill. Reg. 17159, effective December 9, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 7243, effective April 9, 1998; emergency amendment at 22 Ill. Reg. 7314, effective April 9, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 9374, effective May 14, 1998, for a maximum of 150 days; emergency rule modified in response to JCAR Objection at 22 Ill. Reg. 11640; emergency amendment at 22 Ill. Reg. 13151, effective June 29, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 15620, effective August 17, 1998; amended at 22 Ill. Reg. 19079, effective October 1, 1998; amended at 22 Ill. Reg. 22090, effective December 1, 1998; amended at 23 Ill. Reg. 3079, effective February 23, 1999; amended at 24 Ill. Reg. 2440, effective January 27, 2000; amended at 24 Ill. Reg. **10300**, effective JUN 26 2000.

## SUBPART M: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

## Section 1650.1110 Definitions

- a) The definitions in Section 1-119(a) of the Illinois Pension Code (the "Act") [40 ILCS 5/1-119(a)] shall apply to the rules contained in this Subpart.
- b) The phrase "death benefit" in Section 1-119(a)(2) of the Act [40 ILCS 5/1-119(a)(2)] includes:
  - 1) A refund of any remaining accumulated contributions; or
  - 2) A refund payable to a deceased member's designated beneficiary because the member elected a 2.2 upgrade and dies before making the full upgrade contribution.
- c) The phrase "member's refund" in Section 1-119(a)(5) of the Act [40 ILCS 5/1-119(a)(5)] does not include an "error refund" as defined in subsection (g) of this Section.
- d) The phrase "error refund" as used in the rules contained in this Subpart includes:
  - 1) A refund paid to a member as the result of an error in a payment to the System; or
  - 2) A refund payable to a living member resulting from an overpayment made by a PRS-covered employer for a 2.2 upgrade.

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- e) The phrase "disability benefit" in Section 1-119(a)(3) of the Act [40 ILCS 5/1-119(a)(3)] includes:
  - 1) A disability benefit under Section 16-149 of the Act [40 ILCS 5/16-149];
  - 2) An occupational disability benefit under Section 16-149.1 of the Act [40 ILCS 5/16-149.1]; or
  - 3) A disability retirement annuity under Section 16-149.2 of the Act [40 ILCS 5/16-149.2].
- f) The phrase "member's retirement benefit" as used in the rules contained in this Subpart means the total amount of the "retirement benefit" as defined in Section 1-119(a)(8) of the Act [40 ILCS 5/1-119(a)(8)] that would be payable to the member in the absence of a QILDRO.
- g) The phrase "partial member's refund" as used in the rules contained in this Subpart includes:
  - 1) A refund of survivor benefit contributions;
  - 2) A refund payable to a living member who has elected a 2.2 upgrade, because the member has creditable service in excess of 34 years;
  - 3) A refund payable to a living member who has elected a 2.2 upgrade, because the member is entitled to a 1% reduction in the upgrade contribution for every three full years of creditable service; or
  - 4) A refund payable to a living member who has elected a 2.2 upgrade, because the member failed to make the full upgrade contribution in a timely fashion.

(Source: Added at 24 Ill. Reg. **10300**, effective JUN 26 2000)

## Section 1650.1111 Requirements for a Valid Qualified Illinois Domestic Relations Order

- The System will accept a court order as a valid Qualified Illinois Domestic Relations Order, or "QILDRO," that meets all of the following requirements:
- a) The order must be accompanied by a \$50 non-refundable processing fee, by check payable to the Teachers' Retirement System.
  - b) If the order applies to a person who became a member of the System before July 1, 1999, the order must be accompanied by the original Consent to Issuance of QILDRO signed by the member.
  - c) The order must be a certified copy of the original.
  - d) The order must have been issued by an Illinois court of competent jurisdiction in a proceeding for declaration of invalidity of marriage, legal separation, or dissolution of marriage that provides for the distribution of property, or any proceeding to amend or enforce such a property distribution.
  - e) The order must contain the name, residence address, and Social Security number of the member.



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- f) The order must contain the name, residence address, and Social Security number of the alternate payee.
- g) The order must identify the Teachers' Retirement System as the retirement system to which it is directed.
- h) The order must express any amount to be paid to the alternate payee from a member's retirement benefit as a dollar amount per month.
- i) The order must express any amount to be paid to the alternate payee from a refund as a dollar amount.
- j) The order must not contain formulas or percentages.
- k) The order must apply only to benefits that are statutorily subject to QILDROS as provided in Section 1-119(b)(1) of the Act [40 ILCS 5/1-119(b)(1)].
- l) The order, and if applicable, the Consent to Issuance of QILDRO must be in the form adopted by the System as of the date the order is received.
- m) No language may be added to, or omitted from, the QILDRO form or the consent form adopted by the System.
- n) The order must designate whether the alternate payee will or will not receive automatic annual increases.

(Source: Added at 24 Ill. Reg. 1030, effective JUN 26 2000)

**Section 1650.1112 Curing Minor Deficiencies**

- a) An order containing one or more of the deficiencies enumerated in subsection (b) of this Section may be corrected and resubmitted within 60 days of the date the System sends notice of the deficiency or deficiencies. Such 60-day period is referred to in the rules contained in this Subpart as the "cure period".
- b) Only the following deficiencies may be corrected during the cure period:
  - 1) The order is not accompanied by a \$50 non-refundable processing fee, by check payable to the Teachers' Retirement System.
  - 2) The order applies to a person who became a member of the System before July 1, 1999, and is not accompanied by the original Consent to Issuance of QILDRO signed by the member.
  - 3) The consent form accompanying the order is not in the form adopted by the System.
  - 4) The order is not a certified copy of the original.
  - 5) The order omits or inaccurately states the member's name, address, or Social Security number.
  - 6) The order omits or inaccurately states the alternate payee's name, address, or Social Security number.
  - 7) The order does not designate whether the alternate payee will or will not receive automatic annual increases.
  - 8) Any other deficiency determined by the System, in its sole discretion, to be of a minor nature.

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- c) If the System receives an order containing one or more deficiencies identified in subsection (b) of this Section, and the order applies to a member who is currently receiving a monthly benefit payment, the System will hold the portion of the member's retirement benefit that would be payable to the alternate payee if the QILDRO were valid, until one of the following occurs:
  - 1) The System determines that all deficiencies have been corrected during the cure period; or
  - 2) The cure period expires, and one or more deficiencies have not been corrected.
  - d) If the System determines that all deficiencies have been corrected during the cure period, the QILDRO will be deemed received as of the date the original order was received.
  - e) If the cure period expires and the System determines that one or more deficiencies have not been corrected, the order will be deemed invalid, and any amounts held during the cure period will be paid to the regular payee.

(Source: Added at 24 Ill. Reg. 1030, effective JUN 26 2000)

**Section 1650.1113 Required Form**

- a) A QILDRO must be in the form adopted by the System as of the date that the QILDRO is received. The required QILDRO form is available from the System upon request.
- b) A QILDRO that is not in the form adopted by the System is invalid.
- c) A consent to Issuance of QILDRO must be in the form adopted by the System as of the date that the QILDRO is received. The required consent form is available from the System upon request.
- d) A constant form that is not in the form adopted by the System is invalid.

(Source: Added at 24 Ill. Reg. 1030, effective JUN 26 2000)

**Section 1650.1114 Filing a QILDRO With the System**

- a) A QILDRO should be sent to the Systems Office of General Counsel, accompanied by the consent form, if applicable, and the \$50 non-refundable processing fee.
- b) A QILDRO will be deemed received by the System on the date that it is received in the Systems Office of General Counsel.
- c) Within 30 calendar days after receipt of a QILDRO, the System will review the order and notify the member and each alternate payee by first class mail that it has received the order, and whether the order is a valid QILDRO. If the System determines that the order is not a valid QILDRO, the notice will specify the reason or reasons.

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- d) A QILDRO that has been modified by the issuing court should be submitted in the same manner as the original QILDRO. A separate \$50 non-refundable processing fee is required for each modified QILDRO.

(Source: Added at 24 Ill. Reg. 10800, effective JUN 26 2000)

## Section 1650.1115 Benefits Affected by a QILDRO

- a) A QILDRO may apply only to the following benefits administered by the System:

- 1) A monthly retirement benefit;
- 2) A single sum retirement benefit;
- 3) A termination refund; and
- 4) A partial member's refund.

- b) If a QILDRO specifies a dollar amount payable to an alternate payee from any partial member's refund that becomes payable, the aggregate amount paid to the alternate payee from all partial member's refunds shall not exceed the dollar amount specified in the QILDRO.

- c) A QILDRO shall not apply to any of the following:

- 1) A death benefit;
- 2) A survivor benefit;
- 3) A disability benefit;
- 4) An occupational disability benefit;
- 5) A disability retirement annuity;
- 6) A Teachers' Retirement Insurance Program ("TRIP") benefit; and
- 7) An error refund.

(Source: Added at 24 Ill. Reg. 10800, effective JUN 26 2000)

## Section 1650.1116 Effect of a Valid QILDRO

- a) After the System has determined that a QILDRO is valid, one of the following will occur:

- 1) If the member has not yet started receiving benefits, the QILDRO will be placed in the member's file and will be implemented when the first affected benefit payment commences; or
- 2) If the member is already receiving benefits subject to the QILDRO, payment to the alternate payee will begin with the first payment to the member occurring at least 30 days after the QILDRO was received.

- b) If a refund application is pending when the System receives a QILDRO that purports to apply to the refund but the refund payment has not yet been vouchered, the System will hold the portion of the refund that would be payable to the alternate payee until it receives clarification from the court as to whether the QILDRO is effective against that pending refund. It is the member's or alternate payee's

## TEACHER'S RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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- responsibility to obtain such clarification from the court and to notify the System of the court's clarification.

- c) If a refund payment has already been vouchered when the System receives a QILDRO that purports to apply to the refund, the QILDRO shall not be effective against that refund.
- d) "Vouchered" as used in this Section means that the voucher has been signed and dated, even though the warrant has not been issued by the Office of the State Comptroller.

(Source: Added at 24 Ill. Reg. 10300, effective JUN 26 2000)

## Section 1650.1117 QILDROs Against Persons Who Became Members Prior to July 1, 1999

- a) A QILDRO that applies to a person who became a member of the System prior to July 1, 1999, must be accompanied by the original Consent to issuance of QILDRO signed by the member. If the original is unavailable, a certified copy of the consent form filed with the court that issued the QILDRO is acceptable in lieu of the original.

- b) The Consent to Issuance of QILDRO must be in the form adopted by the System as of the date the QILDRO is received. The required consent form is available from the System upon request. A consent form that is not in the form adopted by the System is invalid.

- c) In accordance with Section 1-119(m)(1) of the Act [40 ILCS 5/1-119(m)(1)], a consent form must be signed by the member to whom the QILDRO applies. A consent form signed by a judge in lieu of the member is invalid.

(Source: Added at 24 Ill. Reg. 10300, effective JUN 26 2000)

## Section 1650.1118 Alternate Payee's Address

- a) An alternate payee is responsible to report to the System in writing of each change in his or her name and residence address.

- b) When a member's retirement benefit or refund subject to a QILDRO becomes payable, the System will send notice to the last address of the alternate payee reported to the System that the benefit or refund is payable. Other than sending such notice, the System shall have no duty to take any other action to locate an alternate payee.

- c) The 180-day period during which the System will hold the retirement benefit or refund as provided in Section 1-119(e)(2) of the Act [40 ILCS 5/1-119(e)(2)] begins on the date that the notice described in subsection (b) of this Section is sent to the last address of the alternate payee reported to the System, or on the date that the retirement benefit or refund becomes payable, whichever is later.

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(Source: Added at 24 Ill. Reg. 10300, effective JUN 26 2000)

**Section 1650.1119 Electing Form of Payment**

- a) A member's election either to receive or forego a proportional annuity under the Retirement Systems Reciprocal Act [40 ILCS 5/20] is not a prohibited election under Section 1-119(j)(1) of the Act [40 ILCS 5/1-119(j)(1)].
- b) A member's election to take a refund is not a prohibited election under Section 1-119(j)(1) of the Act [40 ILCS 5/1-119(j)(1)].
- c) A member's election of a form of payment of annuity that reduces the member's total benefit, while still allowing full payment to the alternate payee under a QILDRO at the date of the election, is not a prohibited election under Section 1-119(j)(1) of the Act [40 ILCS 5/1-119(j)(1)].
- d) A member's failure to elect a 2.2 upgrade, or failure to make all upgrade contributions in a timely fashion, is not a prohibited election under Section 1-119(j)(1) of the Act [40 ILCS 5/1-119(j)(1)].
- (Source: Added at 24 Ill. Reg. 10300, effective JUN 26 2000)

**Section 1650.1120 Automatic Annual Increases**

- a) The alternate payee will or will not receive a proportionate share of any automatic annual increase in the member's retirement benefit under Section 16-136.1 of the Act [40 ILCS 5/16-136.1], according to the designation in the QILDRO.
- b) Except as provided in subsection (c) of this Section, the initial increase in the amount due the alternate payee under the QILDRO is payable with the next succeeding increase due the member after the date the QILDRO first took effect.
- c) In the event that the QILDRO first takes effect in the same month that the member's benefit is increased, the alternate payee's initial increase is not payable until the next succeeding increase in the member's benefit.
- d) The System will calculate the amount of any increase payable to the alternate payee under the QILDRO.
- e) The amount of any increase payable to the alternate payee (other than any increase resulting from the member's initial automatic annual increase) is the percentage of increase due the member under Section 16-133.1 or Section 16-136.1 of the Act [40 ILCS 5/16-133.1, 16-136.1], multiplied by the alternate payee's monthly benefit as of the date of the increase.
- f) The amount of any increase payable to the alternate payee resulting from the member's initial automatic annual increase is the percentage of increase due the member under Section 16-133.1 or Section 16-136.1

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of the Act [40 ILCS 5/16-133.1, 16-136.1], multiplied by the alternate payee's monthly benefit as of the date of the increase, multiplied by a fraction, the numerator of which is the number of months elapsed between the effective date of the QILDRO and the date that the initial increase becomes payable, and the denominator of which is the number of months elapsed between the date of retirement and the date that the initial increase becomes payable.

(Source: Added at 24 Ill. Reg. 10300, effective JUN 26 2000)

**Section 1650.1121 Reciprocal Systems QILDRO Policy Statement**

It is the policy of the System to administer QILDROs consistent with the Policy Statement of the Association of Retirement Systems on Qualified Illinois Domestic Relations Orders (the "Reciprocal Systems QILDRO Policy Statement", dated June 1999 and available from the System by request). To the extent that there is any conflict between the rules contained in this Subpart and the Reciprocal Systems QILDRO Policy Statement, these rules shall control.

(Source: Added at 24 Ill. Reg. 10300, effective JUN 26 2000)

**Section 1650.1122 Providing Benefit Information for Divorce Purposes**

- a) Within 45 days of receiving a subpoena or request from a member, the System will provide a statement for divorce purposes regarding the value of a member's retirement benefit through the last completed school year for which data are on file with the System.
- b) Information provided by the System for divorce purposes does not include the value of a member's retirement benefit accrued during a school year for which data are not yet on file with the System.
- c) Information provided by the System for divorce purposes does not reflect an actuarial opinion as to the present values of a member's retirement benefit, refund, or other interests.
- d) Information provided by the System for divorce purposes reflects the member's total service career for which service credit in the System has accrued, and is not isolated as to the marital period only.
- e) The System does not calculate the amount of a member's retirement benefit or refund that would be payable to a former spouse pursuant to a divorce decree or dissolution judgment.
- f) While the System makes every effort to provide accurate information for divorce purposes, benefit estimates are by their nature approximate and subject to revision due to errors, omissions, erroneous assumptions, or future changes in the rules and laws governing the System.
- g) In accordance with Section 1650.160 of this Part pertaining to the confidentiality of member records, the System does not disclose



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information for divorce purposes to spouses, former spouses, relatives, or other third parties including the member's attorney, except in response to the member's written authorization to release such information, or in response to a subpoena.

(Source: Added at 24 Ill. Reg. 10300, effective

JUN 6 2000)

## SUBPART NM: RETIREMENT BENEFITS

## Section 1650.2900 Excess Benefit Arrangement

## a) Adoption and Nature of the Arrangement.

1) The Arrangement. The Teachers' Retirement System of the State of Illinois, pursuant to the authority granted to it by 40 ILCS 5/1-116, hereby adopts the Teachers' Retirement System Excess Benefit Arrangement, effective January 1, 1997.

2) Nature of the Arrangement. This Arrangement is a portion of a governmental plan (as that term is defined in Section 414(d) of the Internal Revenue Code of 1986, as amended, and Section 3(32) of the Employee Retirement Income Security Act of 1974, as amended), and is administered as a qualified governmental excess benefit arrangement pursuant to the provisions of Code Section 415(m) (26 U.S.C. 415(m)).

b) Definitions. Each word or phrase defined in this subsection (b) shall have the following meaning whenever such word or phrase is capitalized and used herein, unless a different meaning is clearly required by the context of the Arrangement. The definition of any term in the singular may also include the plural.

- 1) "Annuitant" shall mean a person described in 40 ILCS 5/16-111.1.
- 2) "Arrangement" shall mean the Teachers' Retirement System Excess Benefit Arrangement, as from time to time amended or restated.
- 3) "Code" shall mean the Internal Revenue Code of 1986, as amended.
- 4) "Disability Retirement Annuity" shall mean the annuity payable to an Annuitant pursuant to 40 ILCS 5/16-149.2.
- 5) "Excess Benefit" shall mean the monthly equivalent of the difference between the Unrestricted Benefit and the Maximum Benefit.
- 6) "Maximum Benefit" shall mean the monthly equivalent of the maximum benefit permitted by Code Section 415 to be paid an Annuitant or beneficiary under the Retirement Plan during any limitation year of the Retirement Plan.
- 7) "Member" shall mean a person who is a Member as that term is defined in 40 ILCS 5/16-107.
- 8) "Retirement Annuity" shall mean an annuity payable to an Annuitant pursuant to 40 ILCS 5/16-132 through 16-136.4.
- 9) "Retirement Plan" shall mean the retirement plan administered by the Teachers' Retirement System pursuant to 40 ILCS 5/Art. 16.

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10) "Survivor Benefit Annuity" shall mean an annuity payable from the Retirement Plan to a beneficiary or beneficiaries of a Member or Annuitant as a result of the death of the Member or Annuitant pursuant to 40 ILCS 5/16-141 through 16-143.2.

11) "System" shall mean the Teachers' Retirement System of the State of Illinois.

12) "Unrestricted Benefit" shall mean the maximum monthly Retirement Annuity, Disability Retirement Annuity, or Survivor Benefit Annuity benefit payable under Article 16 of the Illinois Pension Code [40 ILCS 5/Art. 16], whichever is applicable, determined without regard to the limitation of the Code imposed under Code Section 415.

## c) Excess Benefits.

1) An Annuitant who is receiving a Retirement Annuity as provided under the Retirement Plan shall be entitled to receive an Excess Benefit for any month in which the Annuitant receives a Retirement Annuity benefit payment.

2) An Annuitant who is receiving a Disability Retirement Annuity as provided under the Retirement Plan shall be entitled to receive an Excess Benefit for any month in which the Annuitant receives a Disability Retirement Annuity benefit payment.

3) Upon the death of a Member or Annuitant whose beneficiary or beneficiaries are eligible for an annuity under the Retirement Plan, the Member's or Annuitant's beneficiary or beneficiaries who are receiving a Survivor Benefit Annuity shall be entitled to receive an Excess Benefit for any month in which the beneficiary or beneficiaries are receiving a Survivor Benefit Annuity.

4) Benefit Payment: A benefit payable under this subsection (c) shall be paid at such time or times and in such form to the Annuitant or his or her beneficiary as the benefit under the Retirement Plan would be paid. The Annuitant shall have the right to receive as a portion of his or her first payment hereunder an amount equal to the sum of the Excess Benefits otherwise payable to him or her since January 1, 1995, had this arrangement been in effect as of January 1, 1995.

## d) Administration of the Arrangement.

1) Administrator: The Arrangement shall be administered by the System, which shall have the authority to interpret the Arrangement and issue such regulations as it deems appropriate. The System shall have the duty and responsibility to maintain records, making the requisite calculations and disbursing the payments hereunder through the Comptroller of the State of Illinois. The System's interpretations, determinations, regulations, and calculations shall be final and binding on all persons and parties concerned.

2) Amendment and Termination: The System may amend or terminate the Arrangement at any time, provided, however, that no such amendment or termination shall adversely affect a benefit to



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which a Member or an Annuitant or his or her beneficiary is entitled under subsection (c) prior to the date of such amendment or termination unless the Member or Annuitant becomes entitled to an amount equal to such benefit under another arrangement, plan or practice adopted by the System.

3) Payments: The System will pay all benefits arising under this Arrangement and all costs, charges, and expenses relating thereto through appropriations received from the State of Illinois, except those costs normally borne by other agencies or offices of the State of Illinois.

4) Non-assignability of Benefits: The benefits payable hereunder or the right to receive future benefits under the Arrangement may not be anticipated, alienated, pledged, encumbered, or subjected to any charge or legal process.

5) Status of Arrangement: Nothing contained herein shall be construed as providing for assets to be held in trust or escrow or any other form of asset segregation for the Annuitant or for any other person or persons to whom benefits are to be paid pursuant to the terms of this Arrangement, the Annuitant's only interest hereunder being the right to receive the benefits set forth herein. To the extent the Annuitant or any other person acquires a right to receive benefits under this Arrangement, such right shall be no greater than the right of any unsecured, general creditor of the State of Illinois.

6) Applicable Law: All questions pertaining to the construction, validity, and effect of this Arrangement shall be determined in accordance with the laws of the United States and, to the extent not pre-empted by such laws, by the laws of the State of Illinois.

7) Forfeiture Provisions: All rights to any benefits payable under this Arrangement, including the payment of any unpaid benefit installments, shall be immediately forfeited if the Member's or Annuitant's right to receive an annuity benefit under the Retirement Plan is terminated in accordance with 40 ILCS 5/16-199.

(Source: Added at 21 Ill. Reg. 4844, effective March 27, 1997)

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1) Heading of the Part: Relocation Assistance

2) Code Citation: 71 Ill. Adm. Code 2400

3) Section Numbers:  
 2400.10 Adopted Action:  
 2400.20 New Section  
 2400.30 New Section  
 2400.40 New Section  
 2400.50 New Section  
 2400.60 New Section  
 2400.70 New Section  
 2400.80 New Section

4) Statutory Authority: Implementing and authorized by Section 7(a) and (b) of the University of Illinois Act (110 ILCS 305/7(a) and (b))

5) Effective Date of Rules: June 29, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: February 18, 2000 24 Ill. Reg. 2646

10) Has JCAR issued a Statement of Objections to these Rules? No

11) Differences between proposal and final version:

Section 2400.20 Definitions

Changed definition of "Business Concern" to include a "not for profit enterprise". Added definition of "Good Cause" to specify those circumstances for which additional time may be provided for business concerns and affected residents to comply with certain requirements.

Section 2400.50(h)

Adds language describing the kind of "hardship" for which an advance relocation payment may be made by the University to a displaced business concern or resident.

Adds language to specify that the University will notify a claimant

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for relocation in writing within 7 days of a final determination.

## Section 2400.60(b)

Clarifies language to state that the maximum relocation payment for eligible residents shall be \$2,000, and that there shall be no "in lieu payment" for residential relocation.

## Section 2400.70

Clarifies the types of "emergencies" that may exist which allow the University to provide less than 90 days written notice to vacate to an affected business concern or resident.

12) Have all the changes agreed upon the University and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: These rules are intended to provide defined relocation assistance to certain displaced businesses and residents whose business premises and residences are to be acquired by the University and are located within an area of the City of Chicago adjacent to the University of Chicago campus.

The relocation of these affected businesses and residents is necessary in order to undertake and complete the UC South Campus Project. This South Campus Project "specifically approved and authorized by the Illinois General Assembly at 110 ILCS 305/7(b)" includes the construction of academic and campus-life facilities; residential and retail development, including a sizeable number of affordable housing units; and infrastructure relocation renewal and upgrading. (Public Act #89-691; Public Act #90-730)

16) Information and questions regarding these adopted rules shall be directed to:

Donna M. Williamson  
University of Illinois, Office of University Counsel  
Suite 405 Administrative Office Building  
1737 West Polk Street, M/C 225  
Chicago, Illinois 60612  
312-996-7762 (phone)  
312-996-6455 (fax)

The full text of the adopted rules begins on the next page:

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TITLE 71: PUBLIC BUILDINGS, FACILITIES AND REAL PROPERTY  
CHAPTER VIII: UNIVERSITY OF ILLINOIS

## PART 2400

## RELOCATION ASSISTANCE

Section	Purpose
2400.10	Definitions
2400.20	Business Relocation
2400.30	Residential Relocation
2400.40	Business Relocation Services
2400.50	Residential Relocation Services
2400.60	Benefit Limits - Notification Procedure
2400.70	Ineligible Relocation Expenses

AUTHORITY: Implementing and authorized by Section 7(a) and (b) of the University of Illinois Act (110 ILCS 305/7(a) and (b)).

SOURCE: Adopted by emergency rulemaking at 24 Ill. Reg. 2743, effective February 4, 2000, for a maximum of 150 days; adopted at 24 Ill. Reg. **10317**, effective JUN 29 2000.

## Section 2400.10 Purpose

The purpose of this Part is to provide relocation assistance for eligible residents and business concerns displaced as a result of the acquisition of land for expansion of the University of Illinois at Chicago within the South Campus Project Area. This Part is intended to establish a means of providing such relocation assistance and of making expense payments to business concerns and residents in their displacement resulting from a project designed for the benefit of the public as a whole. These relocation assistance benefits are available to business concerns and residents who will be permanently displaced by the University's South Campus Project and meet the eligibility requirements described in this Part. The maximum total payments to be made by the University under this Part shall not exceed \$900,000.

## Section 2400.20 Definitions

"Board of Trustees" - means The Board of Trustees of the University of Illinois.

"Business Concern" - means a legally constituted for-profit or not-for-profit enterprise established and lawfully occupying premises in compliance with applicable laws, ordinances, rules, regulations and judicial orders within the Project Area as of August 10, 1998 and continuing until the approved date of move.

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"Displaced Resident or Business Concern" - means any eligible resident or business concern that moves from the real property or moves its personal property from the real property within the Project Area.

"Displacing Agency" - means the Board of Trustees of the University of Illinois carrying out any program or project within the Project Area that causes a resident or business concern to be a displaced resident or business concern.

"Dwelling" - means the place of permanent or customary and usual residence of a resident, according to law.

"Good Cause" - means all bills from companies involved in any part of the relocation have not been received by the displaced concern despite efforts to secure those bills; illness or other extraordinary circumstance causes the displaced concern to be unable to complete the submission; or the complexity of the documentation requires additional time for assembly.

"In Lieu Payment" - means a payment made to a displaced business concern as an alternative to filing a relocation claim for actual moving and related expenses.

"Project Area" - means the territory located on or adjacent to the University of Illinois at Chicago Campus and bounded as follows: on the West by Morgan Street, on the North by Roosevelt Road, on the East by Union Street and on the South by the North boundary of the METRA embankment at 16th Street in the City of Chicago, Cook County, Illinois.

"Relocation Expenses" - means defined eligible moving and related expenses incurred by a resident or business concern within the Project Area because of displacement by the displacing agency.

"Resident" - means a person who maintains a dwelling within the Project Area by ownership or rental, which complies with applicable laws, ordinances, rules, regulations and judicial orders, and who can demonstrate lawful occupancy of the premises as of August 10, 1998 and continuously until the approved date of move.

"Resident" eligibility is further defined to require all of the following:

A person who has not moved before the approved date of move determined through negotiations with the University;

A person who initially entered into occupancy of the dwelling before August 10, 1998 and continuously until the approved date

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of move;

A person who has not occupied the property for the sole purpose of attempting to obtain relocation assistance under this program;

A person whom the University determines is displaced as a direct result of an acquisition;

A person who is notified in writing that he or she will in fact be displaced for the project and is eligible for relocation assistance; and

A person who loses the right of use and occupancy of the real property following its acquisition by the University.

"University" - means The Board of Trustees of the University of Illinois.

**Section 2400.30 Business Relocation**

An eligible business concern displaced by the South Campus Project shall be provided assistance in accordance with the provisions of Section 2400.50 - Business Relocation Services. The University may retain the professional services of a Relocation Consultant or any other person so designated by the University who shall be authorized to provide help in obtaining a relocation payment to a business concern that is required to move as a result of the University's South Campus Project. For assistance with a relocation claim, please contact:

University of Illinois at Chicago  
Office of University Counsel  
Suite 405 Administrative Office Building  
1737 West Polk Street  
Chicago, Illinois 60612  
Phone: (312) 996-7762  
Fax: (312) 996-6455

**Section 2400.40 Residential Relocation**

An eligible resident displaced by the South Campus Project shall be provided assistance in accordance with the provisions of Section 2400.60 - Residential Relocation Services. For assistance with a relocation claim, please contact:

University of Illinois at Chicago  
Office of University Counsel  
Suite 405 Administrative Office Building  
1737 West Polk Street

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Chicago, Illinois 60612  
Phone: (312) 996-7762  
Fax: (312) 996-6455

**Section 2400.50 Business Relocation Services**

- a) Eligibility.  
Eligibility for relocation benefits is determined by the business concern's lawful occupancy of premises within the Project Area prior to August 10, 1998, and the continued occupation of the premises until the approved date of move, as well as compliance with all requirements under this Part. The benefits and policies described in this Part only apply to business concerns owning or occupying property within the Project Area.
- b) Assistance of University.  
The University itself or through its Relocation Consultant will assist an eligible business concern plan its move from the premises and claim the relocation benefits. The University may:
  - 1) consult with the business concern regarding the amount of space and other requirements needed at the new location;
  - 2) advise on cost and availability of suitable new premises and supply names of real estate brokers who may be able to assist the business concern with referrals;
  - 3) inform the business concern of the availability of other programs and agencies providing guidance and financial assistance; and
  - 4) assist the business concern with the documentation of its relocation claim.
- c) Payment for Actual Moving and Related Expenses.  
A business concern meeting the eligibility requirements may be eligible to receive a payment for actual moving and related expenses not to exceed \$20,000 in total. Actual moving and related expenses may include:
  - 1) Moving expenses, including the cost of insuring, disconnecting, packing and crating, loading, transporting, unloading, unpacking, reshelving, assembling and reconnecting personal property. A business concern may hire contractors for moving and related work or use its own regular or specially hired employees for all or part of the work;
  - 2) Storage costs made necessary because of relocation;
  - 3) Cost and installation of substitute equipment;
  - 4) Costs of relettering signs and replacing printed matter made obsolete by the move;
  - 5) Professional services of architects, attorneys, engineers and consultants necessary to move, install or plan the move of personal property;
  - 6) Costs for direct loss of personal property, when a business concern elects to dispose of some or all of its personal property rather than relocate it. The payment may not exceed the estimated

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- 7) cost of relocating the personal property not moved; Costs for reestablishing the business concern at another location, including but not limited to, repairs, modifications or improvements to the replacement real estate, utility hook-ups, impact fees, redecoration or replacement of soiled or worn surfaces, and professional services necessary in connection with the purchase or lease of a replacement site; and
  - 8) Costs incurred while searching for a replacement location, not to exceed \$1,000.
  - d) Procedures Prior to the Move.  
These procedures must be followed to expedite the payment of the relocation claim:
    - 1) At least 30 days but not more than 90 days prior to the move, the business concern must submit a completed Notice of Intent to Relocate form;
    - 2) The business concern shall provide the University with an inventory of items of personal property that are intended to be moved, as well as a list of the related expenses that the business concern intends to claim as allowed in this Section. The University will supply the business concern with all necessary forms. Only items of personal property may be listed. No payment may be made for moving any items that are irremovable or part of the real property or included in the compensation paid by the University to acquire property. Upon review of the inventory listing, the University will inform the business concern of any excluded items. The University will also evaluate requests for related expenses; and
    - 3) The business concern shall submit copies of all bids, invoices, and related information for costs incurred in its move, and for the relocation claim.
- If the business concern intends to move on a contractual basis, the University can assist, upon written request, in identifying moving contractors.
- The University is not responsible for any loss or damage during the move.
- Moving expenses for which reimbursement may be requested may not be incurred before the business concern has submitted its Notice of Intent to Move or Relocate and any bids and proposals for which reimbursement will be claimed have been approved by the University. The University must be notified in writing when the moving is to begin so that the required recording of moving activities may be made at the displacement and replacement locations, as applicable.
- Payment in Lieu of Actual Moving and Related Expenses.
- 1) As an alternative to filing a relocation claim for moving and related expenses, the business concern may file a claim for an "in lieu payment." Subject to this subsection (e), the "in lieu payment" can be made only to a displaced business concern that



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meets the following conditions:

- A) The business concern owns or rents personal property that must be moved. A list of inventory is required;
  - B) The business concern moves from the displacement location;
  - C) The business concern cannot be relocated without a substantial loss of its existing patronage or clientele;
  - D) The business concern is not part of a commercial enterprise having more than three other establishments engaged in the same or similar type business that are not being displaced;
  - E) The business concern is not operated at the displacement location solely for the purpose of renting a dwelling or a site to others; and
  - F) The business contributed materially to the income of the owner of the business concern.
- 2) The "in lieu payment" will be based upon the net income of the business concern in recent years, but shall not exceed \$20,000. The relocation claim must be supported by evidence of earnings such as copies of federal income tax returns or certified financial statements audited by an accountant for the years preceding relocation.

f) Making a Relocation Claim.

The business concern is responsible for submitting an accurate relocation claim adequately supported by the required documentation and signed by the applicant. False or fraudulent relocation claims may be punishable under the law.

If a relocation consultant administers the relocation program, then the consultant shall be responsible for initial determinations of the eligibility of all relocation claims and their components according to this Part. The University will have final approval of all relocation claims. The relocation payment will be made by the University directly to the business concern.

Every business concern is urged to work as closely as possible with the University or relocation consultant in order that the relocation claim will be as complete as possible and payable at the earliest possible time.

g) Assembly of the Relocation Claim.

A relocation claim must include documentary proof that the business concern meets eligibility requirements, that prescribed procedures have been followed, and that the claimed amount of relocation expenses has been incurred. A claim for a relocation assistance payment must be supported by proper documentation such as bills, certified prices, appraisals, or other evidence of incurred expenses.

The relocation claim should be assembled as soon as the move or displacement is completed. It must include the supporting documentation described for either actual expenses or for the "in lieu payment" and must be made using the relocation forms supplied by

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University.

The business concern is responsible for providing a complete relocation claim; however, the University will assist in completing and filing the relocation claim. Copies of the documentation that the business concern has submitted to the University will be made available upon request by the business concern.

A claim for a relocation assistance payment must be filed with the University within 60 days after:

- 1) for tenants, the date of displacement.
- 2) for owners, the date of displacement or the date of the final payment for the acquisition of the real property, whichever is later.

The 60 day time period may be waived by the University for good cause. Payment of the Relocation Claim.

The University will review claims. The claimant will be notified in writing as to any additional documentation that is required to support the claim. Payment for a claim will be made following receipt of proper documentation to support the claim.

After the relocation claim is submitted it must be reviewed by the University for determination of the eligibility of the claimed amounts.

A Letter of Determination will be mailed to the business concern outlining eligible and ineligible costs and the reasons for any disallowances.

If the business concern follows the prescribed procedures and provides complete and adequate documentation, the University will make every effort to expedite its review and payment of the relocation claim. If a displaced resident or business concern demonstrates the need for an advance relocation payment in order to avoid or reduce a hardship (e.g., moving company does not perform as scheduled, need for interim space for business or storage, cash flow problems), the University may issue payment to a third party providing a relocation service, subject to safeguards as are appropriate to ensure that the objective of the payment is accomplished.

The University will deduct the amount of any advance relocation payment from the relocation payment to which a displaced resident or business concern is otherwise entitled. The University may not withhold any part of a relocation payment to satisfy an obligation to any creditor other than the University, unless ordered by a court of competent jurisdiction.

If the business concern has objections to any disallowances made by the University, the business concern may submit those objections in writing to the University within 7 days after receipt of the letter of Determination. If the University disapproves all or part of a payment claimed or refuses to consider the claim on its merits because of untimely filing or other grounds, it will notify the claimant in writing within 7 days of its final determination and the basis for its determination.

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## Section 2400.60 Residential Relocation Services

- a) Eligibility.  
Eligibility for relocation benefits is determined by the lawful occupancy of the premises prior to August 10, 1998, and the continued occupation of the premises until the approved date of move. A displaced resident will be provided written notice of such eligibility. The benefits and policies described in this Section only apply to a displaced resident residing within the Project Area.
- b) Payment for Relocation.  
Residential relocation assistance will follow the same procedures as business concern relocations as nearly as may be practicable, except that the maximum relocation payment shall be \$2,000 and there shall be no "in lieu payment" for residential relocation.  
If two or more lawful occupants of the displacement dwelling move to separate replacement dwellings, each occupant is entitled to a reasonable prorated share, as determined by the University, of any relocation payments that would have been made if the occupants moved together to a comparable replacement dwelling.

## Section 2400.70 Benefit Limits - Notification Procedure

A displaced resident or business concern will be given as much advance notice as possible of the time that possession of the property will be required. Except in an emergency as determined by the University (e.g., the premises have been determined to be unsafe or the property is interfering with the construction schedule), no one lawfully occupying the property will be given less than 90 days' written notice to vacate their premises. The notice shall inform a displaced resident or business concern of the relocation assistance that may be available.

## Section 2400.80 Ineligible Relocation Expenses

The following expenses (this list is not exhaustive) are considered ineligible for reimbursement as "actual relocation expenses" and a displaced resident or business concern is not entitled to payment:

- a) any additional operating expenses of a business concern incurred because of operating in a new location;
- b) improvements to a replacement structure or site;
- c) interest on a loan to cover moving expenses;
- d) loss of goodwill;
- e) loss of profits;
- f) loss of trained employees;
- g) personal injury;
- h) any legal fee or other cost of preparing a claim for relocation assistance or for representing the claimant before the University;
- i) any physical changes to the real property, including any improvements thereon, at the replacement location except as specifically provided

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- j) In this Section; or  
costs of storage of personal property on real property already owned or leased by the displaced resident or business concern.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Pay Plan2) Code Citation: 80 Ill. Adm. Code 3103) Section Numbers: Emergency Action:

310.100 Amend  
 310.110 Amend  
 310.130 Amend  
 310.130 Amend  
 310.290 Amend  
 310.490 Amend  
 310.530 Amend  
 310.530 Amend  
 310.540 Amend

## APPENDIX B

## APPENDIX C

## APPENDIX D

## APPENDIX G

4) The specific statutory citation upon which the rule is based and authorized: 20 ILCS 415/8 and 8a.5) The effective date of the amendment: July 1, 20006) If this emergency amendment is to expire before the end of the 150 days period, please specify the date: The emergency amendment will extend to the full 150 days.7) Date filed in Agency's principal office: June 30, 20008) A copy of the adopted amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.9) Reason for Emergency: This emergency filing is necessary to implement the Pay Plan changes for Fiscal Year 2001 affecting the Schedule of Salary Grades and Merit Compensation System Salary Schedule.10) A Complete Description of the Subjects and Issues Involved: The Department of Central Management Services is filing an emergency amendment to implement the Fiscal Year 2001 Pay Plan changes that affect those employees subject to the Schedule of Salary Grades and Merit Compensation Plan. The following Sections are being amended:

In Sections 310.110 (Implementation of Pay Plan Changes for Fiscal Year 2001), 310.130 (Effective Date) and 310.530 (Implementation), the new Fiscal Year 2001 is being reflected.

In Section 310.290, Out-of-State or Foreign Service Rate, the salary ranges for the Foreign Service, Schedule of Salary Grades and Merit

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Compensation out-of-state titles are being upgraded to maintain the same differential above the revised schedules that are being given a 3.5% general increase.

In Sections 310.100 and 310.490, Other Pay Provisions, the bilingual pay provision is being revised to add that employees who are required to use Braille shall receive an additional 5% or \$100.00 per month, whichever is greater, in addition to the employee's base rate.

In Section 310.540, Annual Merit Increase Guidechart for Fiscal Year 2001, the Merit Compensation guidechart will remain the same with only the date being revised

In Appendices B, C, D and G, the salary ranges for the Schedule of Salary Grades, Medical Administrator Rates, Merit Compensation System Salary Schedule and Broad-Band Pay Range Classes Salary Schedules are being upgraded to reflect increases of 3.5% which is identical to the range changes recently ratified by the American Federation of State, County and Municipal Employees for collective bargaining employees.

11) Are there any proposed amendments pending to this part? Yes

Section Number	Proposed Action	Ill. Reg. Citation
310.280	Amend	24 Ill. Reg. 4292
310.280	Amend	24 Ill. Reg. 5802
310.280	Amend	24 Ill. Reg. 7574

12) Statement of Statewide Policy Objectives: This rulemaking does not affect local government units.13) The name, address and telephone number of the person to whom information and questions regarding this adopted rule shall be directed to:

Mr. Michael Murphy  
 Department of Central Management Services  
 Division of Technical Services  
 504 William G. Stratton Building  
 Springfield, Illinois 62706  
 (217) 782-5601

The full text of the Emergency Amendments begins on the next page:

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND  
POSITION CLASSIFICATIONS

## CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310  
PAY PLAN

## SUBPART A: NARRATIVE

## Section

310.20 Policy and Responsibilities  
310.30 Jurisdiction  
310.40 Pay Schedules  
310.50 Definitions  
310.60 Conversion of Base Salary to Pay Period Units  
310.70 Conversion of Base Salary to Daily or Hourly Equivalents  
310.80 Increases in Pay  
310.90 Decreases in Pay  
310.100 Other Pay Provisions

EMERGENCY

310.110 Implementation of Pay Plan Changes for Fiscal Year 2001 2000

EMERGENCY

310.120 Interpretation and Application of Pay Plan  
Effective Date

EMERGENCY

310.140 Reinstitution of Within Grade Salary Increases (Repealed)  
310.150 Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective  
July 1, 1984 (Repealed)

## SUBPART B: SCHEDULE OF RATES

## Section

310.205 Introduction  
310.210 Prevailing Rate  
310.220 Negotiated Rate  
310.230 Part-Time Daily or Hourly Special Services Rate  
310.240 Hourly Rate  
310.250 Member, Patient and Inmate Rate  
310.260 Trainee Rate  
310.270 Legislated and Contracted Rate  
310.280 Legislated Rate  
310.290 Out-of-State or Foreign Service Rate

EMERGENCY

310.300 Educator Schedule for RC-063 and HR-010  
310.310 Physician Specialist Rate  
310.320 Annual Compensation Ranges for Executive Director and Assistant  
Executive Director, State Board of Elections

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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310.330 Excluded Classes Rate (Repealed)

## SUBPART C: MERIT COMPENSATION SYSTEM

## Section

310.410 Jurisdiction  
310.420 Objectives  
310.430 Responsibilities  
310.440 Merit Compensation Salary Schedule  
310.450 Procedures for Determining Annual Merit Increases  
310.455 Intermittent Merit Increase  
310.456 Merit Zone (Repealed)  
310.460 Other Pay Increases  
310.470 Adjustment  
310.480 Decreases in Pay  
310.490 Other Pay Provisions

EMERGENCY

310.495 Broad-Band Pay Range Classes  
310.500 Definitions  
310.510 Conversion of Base Salary to Pay Period Units  
310.520 Conversion of Base Salary to Daily or Hourly Equivalents  
310.530 Implementation

EMERGENCY

310.540 Annual Merit Increase Guidechart for Fiscal Year 2001 2000

EMERGENCY

310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System, effective  
July 1, 1984 (Repealed)

## APPENDIX A

TABLE A Negotiated Rates of Pay  
HR-190 (Department of Central Management Services - State of  
Illinois Building - SEIU)

TABLE AA  
NR-916 (Department of Natural Resources, Teamsters)  
TABLE B HR-200 (Department of Labor - Chicago, Illinois - SEIU) (Repealed)  
TABLE C RC-069 (Firefighters, AFSCME)  
TABLE D HR-001 (Teamsters Local #726)  
TABLE E RC-020 (Teamsters Local #330)  
TABLE F RC-019 (Teamsters Local #25)  
TABLE G RC-045 (Automotive Mechanics, IFPE)  
TABLE H RC-006 (Corrections Employees, AFSCME)  
TABLE I RC-009 (Institutional Employees, AFSCME)  
TABLE J RC-014 (Clerical Employees, AFSCME)  
TABLE K RC-023 (Registered Nurses, INA)  
TABLE L RC-008 (Boilermakers)  
BLE M RC-110 (Conservation Police Lodge)  
BLE N RC-010 (Professional Legal Unit, AFSCME)  
BLE O RC-028 (Paraprofessional Human Services Employees, AFSCME)  
BLE P RC-029 (Paraprofessional Investigatory and Law Enforcement  
Employees, IFPE)



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## NOTICE OF EMERGENCY AMENDMENTS

RC-033 (Meat Inspectors, IFPE)  
 RC-042 (Residual Maintenance Workers, AFSCME)  
 HR-012 (Fair Employment Practices Employees, SEIU)  
 HR-010 (Teachers of Deaf, IFT)  
 HR-010 (Teachers of Deaf, Extra-curricular Paid Activities)  
 CU-500 (Corrections, Deaf and Confer Employees)  
 RC-062 (Technical Employees, AFSCME)  
 RC-063 (Professional Employees, AFSCME)  
 RC-063 (Physicians, AFSCME)  
 RC-063 (Physicians, AFSCME)  
 APPENDIX B  
 Schedule of Salary Grades - Monthly Rates of Pay for Fiscal Year 2001 2000  
 APPENDIX C  
 Medical Administrator Rates for Fiscal Year 2001 2000  
 APPENDIX D  
 Merit Compensation System Salary Schedule for Fiscal Year 2001 2000  
 APPENDIX E  
 Teaching Salary Schedule (Repealed)  
 APPENDIX F  
 Physician and Physician Specialist Salary Schedule (Repealed)  
 APPENDIX G  
 Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2001 2000  
 APPENDIX H  
 Emergency

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3320, effective January 24, 1986; emergency amendment at 10

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111. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 13675, effective July 31, 1986; emergency amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 19132, effective October 28, 1986; emergency amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; emergency amendment at 11 Ill. Reg. 3363, effective February 3, 1987; emergency amendment at 11 Ill. Reg. 4388, effective February 27, 1987; emergency amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 8787, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 2, 1987; emergency amendment at 11 Ill. Reg. 15273, effective September 1, 1987; emergency amendment at 11 Ill. Reg. 17919, effective October 19, 1987; emergency amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; emergency amendment at 12 Ill. Reg. 3811, effective January 27, 1988; emergency amendment at 12 Ill. Reg. 9459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; emergency amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 8135, effective April 22, 1988; emergency amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; emergency amendment at 12 Ill. Reg. 20584, effective November 28, 1988; emergency amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; emergency amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10367, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; emergency amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; emergency amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg.

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11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 15, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory

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amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective August 5, 1996; maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; peremptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; peremptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19105, effective October 30, 1998; peremptory amendment at 22 Ill. Reg. 19493, effective November 5, 1998; peremptory amendment at 22 Ill. Reg. 20406, effective November 23, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill.

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Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; peremptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; peremptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; peremptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10326, effective July 1, 2000, for a maximum of 150 days.

SUPPORT A: NARRATIVE

**Section 310.100 Other Pay Provisions.****EMERGENCY**

- a) Transfer -- Upon the assignment of an employee to a vacant position in a class with the same salary grade as the class for the position being vacated, the employee's base salary will not be changed. Upon separation from a position of a given class and subsequent appointment to a position in the same salary grade, no increase in salary will be given.
- b) Entrance Salary -- Normally upon original entry to state service, an employee's base salary will be at Step 1c of the salary grade.

1) Qualifications above Minimum Requirements --

A) If a candidate possesses directly related training and experience in excess of the minimum requirements of the class specification, the entrance salary may be up to Step 3 as determined by the employing agency. The salary offered should not provide more than a 10% increase over the candidate's current salary.

B) Such qualifications above the minimum requirements must possess documented support for higher than the Step 1c entrance salary. An entrance salary higher than Step 3 must have prior approval from the Director of Central Management Services.

2) Area Differential -- For positions where additional compensation is required because of dissimilar economic or other conditions in the geographical area in which such positions are established, a higher entrance step may be authorized by the Director of Central Management Services. Present employees receiving less than the new rate shall be advanced to the new rate.

3) Upon the geographical transfer from or to an area for which additional compensation has been authorized, an employee will

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receive an adjustment to the appropriate salary level for the new geographical area of assignment effective the first day of the month following date of approval.

c) Differential and Overtime Pay -- An eligible employee may have an amount added to his/her base salary for a given pay period for work performed which is in excess of the normal requirements for the position and work schedule, as follows:

- 1) Shift Differential Pay -- An employee may be paid an amount in addition to his/her base salary for work performed on a regularly scheduled second or third shift. The additional compensation will be at a rate and in a manner approved by the Department of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.
- 2) Overtime Pay --

A) The Director of Central Management Services will maintain a list of titles whose incumbents are eligible for overtime at a time and one-half rate for all hours actually worked in excess of the normal work schedule in any given work week. Overtime shall be paid in cash only unless an employee requests compensatory time off at the time and one-half rate. Such request shall be considered and granted or denied by the agency in light of their operating needs. The employee shall make his/her choice known to the agency not later than the end of the work week in which the overtime was earned. If such compensatory time request is granted it shall be taken within the fiscal year it was earned at a time convenient to the employee and consistent with the operating needs of the agency. Accrued compensatory time not used by the end of the fiscal year in which it was earned shall be liquidated and paid in cash at the rate it was earned.

B) A list will also be maintained by the Director of Central Management Services of titles whose incumbents are eligible for straight-time overtime. Employees in these classes of positions who are assigned and perform work in excess of the normal work schedule as established by the agency shall be compensated at a straight-time rate on either a cash or compensatory time-off basis, as determined by the agency in light of their operating needs, for all hours worked in excess of a normal work week. Overtime in less than one-half hour increments per day shall not be accrued. If compensatory time is not liquidated within the fiscal year during which it is accrued, it must be liquidated at the end of the fiscal year in cash at the employee's rate of pay in effect at the time of liquidation.



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- 3) Incentive Pay -- An employee may be paid an amount in addition to his/her base salary for work performed in excess of the normal work standard as determined by agency management. The additional compensation shall be at a wage rate and in a manner approved by the Director of the Department of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.
- 4) Extra Duty Pay -- An employee may be paid an amount in addition to his/her base salary for service in addition to the regular work schedule on a special work assignment. Additional compensation will be at a rate and in a manner approved by the Director of the Department of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.
- d) Part-Time Work -- Part-time employees whose base salary is other than an hourly or daily basis shall be paid on a daily basis which will be computed from annual rates of salary and the total number of work days in the year.
- e) Out-of-State Assignment -- Employees who are assigned to work out-of-state on a temporary basis may receive an appropriate differential during the period of the assignment, as approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.
- f) Lump Sum Payment -- Shall be provided for accrued vacation, sick leave\* and unused compensatory overtime at the current base rate to those employees separated from employment under the Personnel Code. Leaves of absence and temporary lay-off (per 80 Ill. Adm. Code 302.510) are not separations and therefore lump sum cannot be given in these transactions. Method of computation is explained in Section 310.70(a) of this Part.
- AGENCY NOTE -- The method to be used in computing the lump sum payment for accrued vacation, sick leave\* and unused compensatory overtime payment for an incumbent entitled to shift differential during his/her regular work hours will be to use his/her current base salary plus the shift differential pay.
- \*Sick leave earned prior to January 1, 1984 and after December 31, 1997 is not compensable. Sick leave earned and not used between January 1, 1984 and December 31, 1997 will be compensable at the current base daily rate times one-half of the total number of sick

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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- g) days earned and retained during that time period.
- g) Salary Treatment Upon Return from Leave -- An employee returning from Military Leave, Peace Corps Leave, Vista Leave, Service-Connected Disability Leave, Leave to accept a Temporary, Emergency, Provisional, Exempt or Trainee position, or Educational Leave will be placed on the step which reflects satisfactory performance increases to which he/she would have been entitled during his/her period of leave. Creditable service date will be maintained. An employee returning to his/her former salary grade from any other leave of over fourteen days will be placed at the step on which he/she was situated prior to his/her leave, and his/her creditable service date will be extended by the duration of the leave.
- h) Salary Treatment Upon Reemployment --
- 1) Upon the reemployment of an employee in a class with the same salary grade as the class for the position held before layoff, the employee will be placed at the same salary step as held at the time of the layoff, and his/her creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.
  - 2) Upon the reemployment of an employee in a class at a lower salary range than the range of the class for the position held before layoff, the employee will be placed at the step in the lower salary grade which provides the base salary nearest in amount to, but less than, the current value of the step held at the time of layoff, and his/her creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.
- i) Reinstatement -- The salary upon reinstatement of an employee will be as determined by the employing agency and approved by the Director of Central Management Services. This salary should not provide more than a 10% increase over the candidate's current salary or exceed the current value of the salary step held in the position where previously certified. In no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the salary range.
- j) Extended Service Payment --
- 1) Effective July 1, 1994, the Step 7 rate shall be increased by \$25.00 per month for those employees who have attained ten years of service and have three years of creditable service on Step 7 in the same pay grade.
  - 2) Effective July 1, 1994, the Step 7 rate shall be increased by \$50.00 per month for those employees who have attained fifteen years of service and have three years of creditable service on Step 7 in the same pay grade.
- k) Bi-Lingual Pay -- Effective July 1, 2000 1995, individual positions whose job descriptions require the use of sign language, or a second language or Braille shall receive an additional \$4 or \$100.00 per month, whichever is greater, in addition to the employee's base rate.



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days)

**Section 310.110 Implementation of Pay Plan Changes for Fiscal Year 2001 2000**  
**EMERGENCY**

The rates of pay for all employees occupying positions subject to the Schedule of Salary Grades shall be as set out in Appendix B, Schedule of Salary Grades -- Monthly Rates of Pay for Fiscal Year 2001 2000.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days)

**Section 310.130 Effective Date**  
**EMERGENCY**

The effective date of this Pay Plan Narrative (Subpart A), Schedule of Rati (Subpart B), and Schedule of Salary Grades (Appendix B), shall be July 1, 2001 1999.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days)

## SUBPART B: SCHEDULE OF RATES

**Section 310.290 Out-of-State or Foreign Service Rate**  
**EMERGENCY**

The rate of pay for employees occupying positions which require payment in accordance with the economic conditions and social legislation of another state or foreign country. An adjustment may be made to the salary of an employee stationed in a foreign country to compensate for a change in the currency exchange rate. The Director of the Department of Central Management Services will, before approving an adjustment, consider the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

Title	Range Effective Fiscal Year 2001 2000
Foreign Service Economic Development Executive I	3574-6578 3455-6468
Foreign Service Economic Development Executive II	4579-8623 4424-8083
Foreign Service Economic Development Representative	3037-5475 2936-5206
Office Administrator IV	

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## NOTICE OF EMERGENCY AMENDMENTS

(States Other Than California and New Jersey)  
 2387-4133 2307-3893  
 2699-4672 2680-4514

Office Assistant (Foreign Service)  
 1939-2576 1924-2461

Office Associate  
 (States Other Than California and New Jersey)  
 2065-2730 1950-2675  
 2335-3154 2285-3024

Office Coordinator  
 (States Other Than California and New Jersey)  
 2140-2906 2025-2791  
 2419-3285 2489-3155

Public Service Administrator  
 (States Other Than California and New Jersey)  
 3202-7005 3094-6767  
 3619-7918 3497-7649

Revenue Auditor I  
 (States Other Than California and New Jersey)  
 2875-4081 2760-3943  
 3250-4614 3120-4458

Revenue Auditor II  
 (States Other Than California and New Jersey)  
 3332-4823 3217-4669  
 3766-5452 3636-5268

Revenue Auditor III  
 (States Other Than California and New Jersey)  
 3715-5417 3589-5234  
 4199-6123 4057-5916

Revenue Auditor Trainee  
 (States Other Than California and New Jersey)  
 2415-3330 2360-3215  
 2730-3765 2680-3635

Revenue Tax Specialist I  
 (States Other Than California and New Jersey)  
 2415-3330 2360-3215  
 2730-3765 2680-3635

Revenue Tax Specialist II  
 (States Other Than California and New Jersey)  
 2631-3686 2516-3562  
 2974-4167 2844-4026

Revenue Tax Specialist Trainee  
 (States Other Than California and New Jersey)  
 2218-3036 2102-2921  
 2508-3432 2398-3302

Senior Public Service Administrator  
 (States Other Than California and New Jersey)  
 4413-10368 4263-10010  
 4988-11721 4819-11324

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days)

## SUBPART C: MERIT COMPENSATION SYSTEM

**Section 310.490 Other Pay Provisions****EMERGENCY**

- a) Transfer -- Upon assignment of an employee to a vacant position in a class with the same salary range as the class for the position being vacated, the employee's base salary will not be changed. Upon separation and subsequent appointment to a position in the same salary range, no increase in salary will be given.
- b) Entrance Salary -- Normally upon entry to state service, an employee's base salary will be at the minimum salary of the salary range.

- 1) Qualifications above Minimum Requirements --

A) If a candidate possesses directly related training and experience in excess of the minimum requirements of the class specification, the employing agency may grant an entrance salary up to the midpoint of the first half of the salary range; however, this shall not provide more than a 10% increase over the candidate's current salary. Such qualifications above the minimum requirements must possess documented support for higher than the minimum entrance salary.

- B) An entrance salary above the middle of the first half of the salary range must have prior approval of the Director of Central Management Services. This approval will be based on consideration of the candidate's training and experience exceeding the requirements of the class, prior salary history, particular staffing requirements of an agency, and labor market influence on recruitment needs.

- 2) Area Differential -- For positions where additional compensation is required because of dissimilar economic or other conditions in the geographical area in which such positions are established, a higher entrance salary may be authorized by the Director of Central Management Services. Present employees receiving less than the new rate of pay shall be advanced to the new rate.

- 3) Upon the geographical transfer from or to an area for which additional compensation has been authorized, an employee will receive an adjustment to the appropriate salary level for the new geographical area of assignment, effective the first day of the month following the date of assignment.

- c) Differential and Overtime Pay -- An eligible employee may have an amount added to the base salary for a given pay period for work performed which is in excess of the normal requirements for the position and work schedule, as follows:

- 1) Shift Differential Pay -- An employee may be paid an amount in

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

addition to the base salary for work performed on a regularly scheduled second or third shift. The additional compensation will be at a rate and in a manner approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

- 2) Overtime Pay -- The Director of the Department of Central Management Services shall maintain a listing of classes of positions subject to the provisions of the Merit Compensation System who are eligible for overtime compensation. Classes in salary ranges MC 6 and below are eligible for straight-time overtime unless exceptions are determined by the Director of Central Management Services. Classes above MC 6 may be added to the list when requested by an agency and approved by the Director of Central Management Services in consideration of need of the agency and relationship to eligible titles. Employees in these classes of positions who are assigned and perform work in excess of the normal work schedule as established by the agency shall be compensated at a straight-time rate on either a cash or compensatory time-off basis for all hours worked in excess of a normal work week. Overtime in less than one-half hour increments per day shall not be accrued. If compensatory time is not liquidated within the fiscal year during which it is accrued, it must be liquidated at the end of the fiscal year in cash at the employee's rate of pay in effect at the time of liquidation. Any exception to the above provisions for overtime compensation shall be approved by the Director of the Department of Central Management Services. Such exceptions must be requested by the employing agency and will be determined on the basis of the special nature of the situation, a substantial need to provide overtime compensation and a significant number of hours worked beyond the normal work schedule, and will be granted only for a specified time period for which the special situation is expected to exist.

- d) Part-Time employees whose base salary is other than an hourly or daily basis shall be paid on a daily rate basis which will be computed from annual rates of salary and the total number of work days in the year.

- e) Out-of-State Assignment -- Employees who are assigned to work out-of-state on a temporary basis may receive an appropriate differential during the period of the assignment, as approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstance.

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- f) Lump Sum Payment -- Shall be provided for accrued vacation, sick leave\* and unused compensatory overtime at the current base rate to those employees separated from employment under the Personnel Code. Leaves of absence and temporary layoff (per 80 Ill. Adm. Code 302.510) are not separations and therefore lump sum payments cannot be given in these transactions. Methods of computation are explained in Section 310.520(a) of the Merit Compensation System.

AGENCY NOTE: The method to be used in computing lump sum payment for vacation, sick leave\* and unused compensatory overtime for an incumbent entitled to shift differential during the regular work hours will be to use the current base salary plus the shift differential pay.

\*Sick leave earned prior to January 1, 1984 and after December 31, 1997 is not compensable. Sick leave earned and not used between January 1, 1984 and December 31, 1997 will be compensable at the current base daily rate times one-half of the total number of sick days earned and retained during that time period.

- g) Salary Treatment upon Return from Leave -- An employee returning from Military Leave, Peace Corps Leave, Vista Leave, Service-Connected Disability Leave, Leave to accept a Temporary, Emergency, Provisional, Exempt or Trainee position, or Education Leave will have his/her salary established as determined appropriate by the employing agency and approved by the Director of Central Management Services. However, in no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the salary range. Creditable service date will be maintained. An employee returning to his/her former salary range from any other leave of over fourteen days will be placed at the salary which the employee received prior to the leave and the creditable service date will be extended by the duration of the leave.

- h) Employees in classes which are made subject to the Merit Compensation System after July 1, 1979, will retain their current salary, except that in no event is the resultant salary to be lower than the minimum rate or higher than the maximum rate of the new salary range.

- i) Extra Duty Pay -- An employee may be paid an amount in addition to the base salary for services in addition to the regular work schedule on a special assignment. Additional compensation will be at a rate and manner as approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

- j) Salary Treatment Upon Reemployment --

- 1) Upon the reemployment of an employee in a class with the same salary range as the class for the position held before layoff, the employee will be placed at the same salary as held at the time of the layoff, and his creditable service date will be

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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- adjusted to reflect that time on layoff does not count as creditable service time.
- 2) Upon the reemployment of an employee in a class at a lower salary range than the range of the class for the position held before layoff, the employee will be placed at the same salary as held at the time of layoff, except that if this exceeds the maximum of the new range, the employee will be placed at that maximum salary. The creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.

- k) Reinstatement -- The salary upon reinstatement of an employee will be as determined by the employing agency and approved by the Director of Central Management Services. This salary should not provide more than a 10% increase over the candidate's current salary, or exceed the salary rate held in the position where previously certified. In no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the salary range.

- l) Bilingual Pay -- Effective July 1, 2000 1995, individual positions whose job descriptions require the use of sign language, or a second language or Braille shall receive an additional 5% of \$100-99 per month, whichever is greater, in addition to the employee's base rate.

- m) Clothing or Equipment Allowance -- An employee may be paid an amount in addition to his/her base salary to compensate for clothing or equipment which is required in the performance of assigned duties. The amount will be determined by the Director of the employing agency, and will require approval of the Director of the Department of Central Management Services. The Director of the Department of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstance.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. effective July 1, 2000, for a maximum of 150 days)

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## Section 310.530 Implementation

EMERGENCY

- a) The salary schedule for the Merit Compensation System for Fiscal Year 2001 2000 will continue as set forth in Appendix D of the Pay Plan.
- b) The Merit Increase Guidechart for Fiscal Year 2001 2000 as set forth in Section 310.540 of the Pay Plan.

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(Source: Amended by emergency rulemaking at 24 Ill. Reg. effective July 1, 2000, for a maximum of 150 days)

## Section 310.540 Annual Merit Increase Guidechart for Fiscal Year 2001 2000

EMERGENCY

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Category	Definition	Increase
Category 1	Exceptional	0% to 5%+\$125
Category 2	Accomplished	0% to 3%+\$125
Category 3	Acceptable	0% to 3%
Category 4	Unacceptable	\$0

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days)

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**Section 310.APPENDIX B Schedule of Salary Grades --- Monthly Rates of Pay for**  
**Fiscal Year 2001-2000**  
**EMERGENCY**

Salary Grade	Step 1c	Step 1b	Step 1a	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
<u>1</u>	<u>1463</u>	<u>1504</u>	<u>1546</u>	<u>1589</u>	<u>1635</u>	<u>1677</u>	<u>1722</u>	<u>1774</u>	<u>1818</u>	<u>1898</u>
<u>2</u>	<u>1505</u>	<u>1547</u>	<u>1590</u>	<u>1635</u>	<u>1677</u>	<u>1722</u>	<u>1776</u>	<u>1824</u>	<u>1872</u>	<u>1953</u>
<u>3</u>	<u>1543</u>	<u>1586</u>	<u>1631</u>	<u>1677</u>	<u>1722</u>	<u>1777</u>	<u>1827</u>	<u>1876</u>	<u>1927</u>	<u>2021</u>
<u>4</u>	<u>1584</u>	<u>1629</u>	<u>1675</u>	<u>1722</u>	<u>1777</u>	<u>1831</u>	<u>1880</u>	<u>1941</u>	<u>1990</u>	<u>2088</u>
<u>5</u>	<u>1635</u>	<u>1681</u>	<u>1728</u>	<u>1777</u>	<u>1833</u>	<u>1891</u>	<u>1948</u>	<u>2002</u>	<u>2058</u>	<u>2155</u>
<u>6</u>	<u>1686</u>	<u>1734</u>	<u>1783</u>	<u>1833</u>	<u>1892</u>	<u>1950</u>	<u>2014</u>	<u>2073</u>	<u>2137</u>	<u>2240</u>
<u>7</u>	<u>1740</u>	<u>1789</u>	<u>1840</u>	<u>1892</u>	<u>1953</u>	<u>2019</u>	<u>2084</u>	<u>2149</u>	<u>2217</u>	<u>2330</u>
<u>8</u>	<u>1796</u>	<u>1847</u>	<u>1899</u>	<u>1953</u>	<u>2024</u>	<u>2093</u>	<u>2169</u>	<u>2235</u>	<u>2308</u>	<u>2426</u>
<u>9</u>	<u>1861</u>	<u>1914</u>	<u>1968</u>	<u>2024</u>	<u>2096</u>	<u>2174</u>	<u>2249</u>	<u>2329</u>	<u>2405</u>	<u>2527</u>
<u>10</u>	<u>1929</u>	<u>1984</u>	<u>2041</u>	<u>2099</u>	<u>2186</u>	<u>2261</u>	<u>2343</u>	<u>2423</u>	<u>2506</u>	<u>2640</u>
<u>11</u>	<u>2010</u>	<u>2067</u>	<u>2126</u>	<u>2187</u>	<u>2273</u>	<u>2354</u>	<u>2445</u>	<u>2533</u>	<u>2615</u>	<u>2756</u>
<u>12</u>	<u>2100</u>	<u>2160</u>	<u>2222</u>	<u>2286</u>	<u>2378</u>	<u>2464</u>	<u>2563</u>	<u>2651</u>	<u>2749</u>	<u>2896</u>
<u>13</u>	<u>2187</u>	<u>2250</u>	<u>2315</u>	<u>2381</u>	<u>2476</u>	<u>2578</u>	<u>2679</u>	<u>2776</u>	<u>2879</u>	<u>3040</u>
<u>14</u>	<u>2288</u>	<u>2354</u>	<u>2422</u>	<u>2492</u>	<u>2594</u>	<u>2698</u>	<u>2815</u>	<u>2918</u>	<u>3029</u>	<u>3205</u>
<u>15</u>	<u>2385</u>	<u>2454</u>	<u>2525</u>	<u>2598</u>	<u>2713</u>	<u>2826</u>	<u>2938</u>	<u>3057</u>	<u>3171</u>	<u>3361</u>
<u>16</u>	<u>2500</u>	<u>2572</u>	<u>2646</u>	<u>2722</u>	<u>2844</u>	<u>2969</u>	<u>3094</u>	<u>3222</u>	<u>3351</u>	<u>3549</u>
<u>17</u>	<u>2617</u>	<u>2693</u>	<u>2771</u>	<u>2851</u>	<u>2984</u>	<u>3122</u>	<u>3253</u>	<u>3384</u>	<u>3522</u>	<u>3732</u>
<u>18</u>	<u>2753</u>	<u>2833</u>	<u>2915</u>	<u>3000</u>	<u>3147</u>	<u>3293</u>	<u>3442</u>	<u>3584</u>	<u>3727</u>	<u>3949</u>
<u>19</u>	<u>2897</u>	<u>2982</u>	<u>3071</u>	<u>3163</u>	<u>3325</u>	<u>3481</u>	<u>3643</u>	<u>3796</u>	<u>3955</u>	<u>4194</u>
<u>20</u>	<u>3059</u>	<u>3152</u>	<u>3246</u>	<u>3343</u>	<u>3511</u>	<u>3675</u>	<u>3849</u>	<u>4016</u>	<u>4181</u>	<u>4437</u>
<u>21</u>	<u>3230</u>	<u>3328</u>	<u>3427</u>	<u>3529</u>	<u>3710</u>	<u>3890</u>	<u>4072</u>	<u>4257</u>	<u>4434</u>	<u>4710</u>





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14m	2405	2473	2543	2615	2720	2827	2948	3057	3173	3354
15m	2505	2576	2649	2724	2843	2959	3079	3202	3319	3515
16m	2624	2698	2774	2852	2979	3112	3240	3372	3506	3708
17m	2744	2822	2903	2986	3127	3269	3404	3540	3681	3898
18m	2884	2966	3054	3143	3225	3446	3599	3745	3893	4120
19m	3035	3125	3217	3311	3479	3638	3806	3964	4127	4373
20m	3204	3300	3397	3496	3669	3839	4018	4190	4360	4623
21m	3380	3481	3583	3689	3875	4059	4248	4438	4620	4905
22m	3570	3675	3785	3897	4095	4295	4493	4699	4895	5194
23m	3785	3897	4012	4130	4346	4555	4779	4998	5213	5536
24m	4023	4143	4265	4393	4622	4850	5092	5325	5563	5908
25m	4285	4411	4543	4677	4911	5186	5443	5700	5956	6335
Salary Grade	1a	1b	1c	1d	1e	1f	1g	1h	1i	1j
1	1363	1404	1446	1489	1535	1577	1622	1674	1718	1798
2	1495	1547	1590	1635	1677	1722	1766	1812	1853	1953
3	1643	1696	1741	1787	1832	1877	1922	1966	2011	2111
4	1804	1859	1905	1952	1997	2042	2086	2131	2176	2276
5	1975	2031	2078	2125	2170	2215	2259	2303	2348	2448
6	2156	2214	2262	2309	2354	2398	2442	2486	2531	2631
7	2348	2407	2456	2503	2548	2592	2636	2679	2723	2823
8	2551	2611	2661	2708	2753	2797	2840	2883	2926	3026
9	2766	2827	2878	2925	2969	3012	3055	3097	3139	3239
10	2993	3055	3107	3153	3197	3239	3281	3323	3364	3464
11	3232	3295	3348	3394	3437	3479	3520	3561	3602	3702

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12	2080	2090	2122	2186	2278	2364	2463	2551	2649	2796
13	2087	2150	2215	2281	2376	2470	2579	2676	2779	2937
14	2188	2254	2322	2392	2494	2598	2715	2818	2927	3097
15	2285	2354	2425	2498	2613	2726	2838	2954	3064	3247
16	2480	2492	2546	2622	2744	2869	2989	3113	3238	3429
17	2517	2593	2671	2751	2883	3016	3143	3270	3403	3606
18	2653	2733	2815	2899	3041	3182	3326	3463	3601	3815
19	2797	2881	2967	3056	3213	3363	3520	3668	3821	4052
20	2956	3045	3136	3230	3392	3551	3719	3888	4040	4307
21	3121	3215	3311	3410	3585	3758	3934	4113	4284	4551
22	3399	3500	3605	3722	3979	4165	4358	4541	4822	
23	3580	3695	3813	3924	4027	4233	4433	4638	4840	5143
Salary Grade	1a	1b	1c	1d	1e	1f	1g	1h	1i	1j
1	1404	1446	1489	1534	1581	1624	1671	1724	1778	1852
2	1647	1690	1735	1781	1824	1867	1912	1956	2001	2079
3	1886	1931	1977	2024	2067	2112	2157	2201	2246	2329
4	2129	2175	2222	2267	2311	2354	2398	2442	2486	2579
5	2381	2428	2475	2519	2562	2605	2648	2691	2734	2827
6	2634	2681	2726	2769	2812	2854	2896	2938	2980	3073
7	2891	2939	2986	3029	3071	3113	3154	3195	3236	3329
8	3151	3200	3246	3289	3330	3371	3411	3451	3491	3584
9	3414	3463	3508	3550	3591	3631	3671	3711	3751	3844

Schedule of Salary Grades--(Alternative-Retirement-Formula-only)---Monthly Rates of Pay-for-Fiscal-Year-2000

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1a	1804	1941	1999	2059	2149	2226	2310	2393	2479	2616	
1a	1967	2026	2087	2150	2230	2322	2435	2506	2590	2736	
1a	2060	2122	2186	2252	2346	2435	2537	2628	2720	> 2800	
1a	2150	2215	2281	2349	2447	2552	2656	2756	2862	2925	
1a	2254	2322	2392	2464	2569	2676	2796	2903	3015	3190	
1a	2354	2495	2498	2573	2691	2800	2923	3043	3156	3344	
1a	2472	2546	2622	2701	2826	2955	3079	3206	3335	3532	
1a	2593	2671	2751	2834	2969	3106	3237	3368	3505	3714	
1a	2733	2815	2899	2986	3132	3277	3426	3567	3709	3929	
1a	2881	2967	3056	3148	3309	3464	3626	3778	3936	4174	
2a	3045	3136	3230	3327	3494	3658	3831	3996	4161	4416	
2a	3215	3311	3410	3512	3693	3871	4052	4236	4413	4688	
2a	3398	3508	3605	3713	3906	4098	4290	4489	4677	4967	
2a	3605	3713	3824	3939	4148	4360	4566	4777	4985	5297	

Maximum-Security Institutions-Schedule  
Effective July 1, 1999

Salary Grade	Step 1a	Step 1b	Step 2a	Step 2b	Step 3	Step 4	Step 5	Step 6	Step 7
1a	1455	1490	1541	1605	1633	1676	1722	1776	1821
2a	1499	1542	1586	1633	1676	1722	1770	1827	1877
3a	1538	1582	1628	1676	1722	1779	1830	1881	1933
4a	1580	1626	1674	1722	1779	1834	1885	1948	2009
5a	1633	1680	1728	1779	1836	1896	1955	2011	2068
6a	1685	1735	1785	1836	1897	1957	2023	2084	2156
7a	1741	1791	1844	1897	1960	2020	2095	2162	2232

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 10328,  
effective July 1, 2000, for a maximum of 150 days)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

## Section 310.APPENDIX C Medical Administrator Rates for Fiscal Year 2001 2000

Title	Minimum Salary	Midpoint Salary	Maximum Salary
Medical Administrator I, Option C	7516	9144	10772
Medical Administrator I, Option D	8393	10067	11741
Medical Administrator II, Option C	8122	9780	11438
Medical Administrator II, Option D	9326	11057	12788
Medical Administrator III	9658	11555	13452
Medical Administrator IV	9814	11711	13608
Medical Administrator V	9972	11871	13770
Medical Administrator-V, --Option-E	7262	8835	10487
Medical-Administrator-V, Option-B	8109	9736	11343
Medical-Administrator-III, --Option-E	7847	9449	11051
Medical-Administrator-III, --Option-B	9611	10603	12355
Medical-Administrator-III	9331	11164	12997
Medical-Administrator-IV	9402	11315	13148
Medical-Administrator-V	9635	11469	13303

The rates of pay for physicians occupying or appointed to a position in the Medical Administrator classes shall be as listed in the above schedule. All provisions of Subpart C of the Pay Plan, Merit Compensation System will apply to the Medical Administrator positions.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. effective July 1, 2000, for a maximum of 150 days)

10328

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

## Section 310.APPENDIX D Merit Compensation System Salary Schedule for Fiscal Year 2001 2000

Salary Range	Minimum Salary	Midpoint Salary	Maximum Salary
MC 01	1990	2697	3404
MC 02	2076	2835	3594
MC 03	2176	3000	3824
MC 04	2275	3140	4005
MC 05	2388	3323	4258
MC 06	2510	3492	4474
MC 07	2641	3701	4761
MC 08	2784	3927	5070
MC 09	2943	4146	5349
MC 10	3108	4414	5720
MC 11	3283	4687	6091
MC 12	3486	5001	6516
MC 13	3723	5346	6969
MC 14	3982	5740	7498
MC 15	4274	6153	8032
MC 16	4575	6611	8647
MC 17	4937	7135	9133
MC 18	5321	7445	9569
MC 19	5747	7769	9791
ME-01	1929	2606	3209
ME-02	2006	2739	3472



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

ME-03	2102	2090	3694
ME-04	2198	3034	3870
ME-05	2307	3213	4119
ME-06	2425	3374	4323
ME-07	2552	3576	4600
ME-08	2690	3794	4890
ME-09	2843	4005	5167
ME-10	3003	4265	5527
ME-11	3172	4520	5884
ME-12	3360	4832	6296
ME-13	3597	5165	6733
ME-14	3847	5545	7243
ME-15	4129	5944	7759
ME-16	4420	6307	8354
ME-17	4770	6893	9016
ME-18	5141	7193	9245
ME-19	5553	7506	9459

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

Section 310. APPENDIX G Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2001 2000  
EMERGENCY

Title	Minimum Salary	Maximum Salary
Human Resources Representative	2076	4005
Human Resources Specialist	2275	4761
Public Service Administrator	2784	6091
Residential Services Supervisor	2076	4005
Senior Public Service Administrator	3837	9016
Site Superintendent	2275	4761
Human Resources Representative	2086	3870
Human Resources Specialist	2307	4600
Public Service Administrator	2690	5884
Residential Services Supervisor	2086	3870
Senior Public Service Administrator	3707	8711
Site Superintendent	2307	4600

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days)

DEPARTMENT OF HUMAN SERVICES  
NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Comparable Benefits
- 2) Code Citation: 89 Ill. Adm. Code 567
- 3) Section Numbers:  
567.20  
Emergency Action:  
Amendment
- 4) Statutory Authority: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b) and (k)], 29 USC 721(a)(8), and 34 CFR 361.47(b).

5) Effective Date of Amendments: July 1, 2000

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A

7) Date filed with the Index Department: June 27, 2000

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) **Reason for Emergency:** The level of federal funding of the Vocational Rehabilitation Program has not kept up with the cost of living increases for the last several years. Without the increase in this resource, it is necessary to revise the rules of the Illinois Vocational Rehabilitation Services to assure that funding is available to meet the needs of the current customers and of other person with disabilities who need these services to maintain or improve their health and welfare.

10) A Complete Description of the Subject and Issues Involved: This rulemaking amends this Section on the definition of Comparable Benefits to require customers to make formal application for financial assistance when they are requesting DHS-ORS to pay for the training. The rulemaking also requires customers to apply for Medicaid under specified conditions. The eligibility or ineligibility for these benefits will in no way affect the delivery of VR services from ORS.

11) Are there any other amendments pending on this Part: No

12) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate

113) Information and questions regarding this amendment shall be directed to:

Ms. Susan Weir, Bureau Chief  
Bureau Administrative Rules and Procedures  
Department of Human Services

DEPARTMENT OF HUMAN SERVICES  
NOTICE OF EMERGENCY AMENDMENT

100 South Grand Avenue East  
3rd Floor Harris Bldg.  
Springfield, Illinois 62762  
(217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

The full text of the Emergency Amendments begins on the next page:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 567  
COMPARABLE BENEFITS

## Section

567.10 General Applicability  
567.20 Definition of Comparable Benefits  
**EMERGENCY**  
567.30 Exceptions to Comparable Benefits  
567.100 Refusal of Comparable Benefits

**AUTHORITY:** Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act (20 ILCS 2405/3(a), (b) and (k)), 29 USC 721(a)(8), and 34 CFR 361.47(b).

**SOURCE:** Adopted at 9 Ill. Reg. 8839, effective June 10, 1985; amended at 1 Ill. Reg. 820, effective December 23, 1986; amended at 12 Ill. Reg. 3019 effective January 15, 1988; amended at 13 Ill. Reg. 9590, effective June 12 1989; amended at 13 Ill. Reg. 18933, effective November 16, 1989; amended at 1 Ill. Reg. 6617, effective April 18, 1991; amended at 17 Ill. Reg. 149 effective December 18, 1992; emergency amendment at 17 Ill. Reg. 11696 effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20375, effective November 15, 1993; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 1381, effective January 14, 1999; emergency amendment at 24 Ill. Reg. 10358, effective July 1, 2000, for a maximum of 150 days.

## Section 567.20 Definition of Comparable Benefits

**EMERGENCY**

a) A comparable benefit is a service that is available at the time the service is needed by a customer and is used to determine eligibility (89 Ill. Adm. Code 553) or to achieve the vocational goal and objectives specified in the customer's Individualized Plan for Employment (IPE) Written-Rehabilitation-Program (89 Ill. Adm. Code 572) that, when provided to DHS-ORS customers by public or private agency or agencies other than DHS-ORS, offset costs which would otherwise be paid by DHS-ORS or the customer.

b) When a customer is requesting DHS/ORS to cover training related services, except for those services that are exempt from financial participation (89 Ill. Adm. Code 562.30) for post-secondary education, the customer shall make formal application and provide proof (or denial) of financial award and the amount of the award before the IPE for post-secondary training can be implemented. An IPE for service to

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

prepare and assist the customer in applying for comparable benefits may be developed at any time. Failure of the customer to apply for comparable benefits shall result in the denial of services (89 Ill. Adm. Code 567.100).

c) Customers requesting medical services or physical restoration services, or who are requesting long term training (training expected to last in excess of 24 months) shall apply for Medicaid benefits. Eligibility, or ineligibility, for Medicaid benefits shall not, in any way, affect the eligibility for Vocational Rehabilitation services from DHS/ORS.

d) Private monetary merit awards, contributions and gifts which are specific or restricted as to use shall be used as intended (e.g., scholarships earmarked for use for college tuition costs or general college expenses) and are an available comparable benefit or service that shall be considered as a comparable benefit to reduce the customer's need for that service(s) from DHS-ORS. Unrestricted monetary merit awards, contributions and gifts shall not be considered as an available resource by DHS-ORS and may be used by the customer however he/she wishes.

e) While a customer will not be discouraged from applying for loans (i.e., student loans) to assist in the completion of his/her rehabilitation program, he/she shall not be required to accept such loans. Such loans are not comparable benefits.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 10358, effective July 1, 2000, for a maximum of 150 days)

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- 1) Heading of the Part: Office of Inspector General Adults with Disabilities Abuse Project

- 2) Code Citation: 59 Ill. Adm. Code 51

- 3) Citation Numbers:
- |       |                          |
|-------|--------------------------|
|       | <u>Emergency Action:</u> |
| 51.10 | New Section              |
| 51.20 | New Section              |
| 51.30 | New Section              |
| 51.40 | New Section              |
| 51.50 | New Section              |
| 51.60 | New Section              |
| 51.65 | New Section              |
| 51.70 | New Section              |
| 51.80 | New Section              |
| 51.90 | New Section              |

- 4) Statutory Authority: Implementing and authorized by the Abuse of Adults with Disabilities Intervention Act [20 ILCS 2435].

- 5) Effective Date of Rules: July 1, 2000

- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A

- 7) Date filed with the Index Department: June 30, 2000

- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection:

- 9) Reason for Emergency: This rulemaking implements the Abuse of Adults with Disabilities Intervention Act within the DHS Office of Inspector General. The Act recognizes that many adult persons with disabilities are in need of protection from abuse, neglect and exploitation and that Illinois has a responsibility to protect those persons while not infringing on the individual's rights. This emergency rule is needed to put in place the rules for the Adults with Disabilities Abuse Project. This project will improve the safety and welfare of adults with disabilities who are at risk of being abused, neglected or exploited by providing the means for the voluntary reporting and assessment of alleged or suspected cases of abuse, neglect, or exploitation of adults with disabilities who are at risk of being abused, neglected or exploited by providing the means for the voluntary reporting and assessment of alleged or suspected cases of abuse, neglect, or exploitation of adults with disabilities.

- 10) A Complete Description of the Subject and Issues Involved: This rulemaking establishes the rules for the Department's Adults with

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Disabilities Abuse Project. The rules outline the project that is located within the DHS Office of Inspector General. The rules outline the means for receiving reports of suspected or alleged abuse, neglect, or exploitation, the way these reports will be assessed and, if substantiated, and if the individual consents, how a service plan will be developed to ameliorate the abuse, neglect or exploitation. The rulemaking implements Senate Bill 818 (PA 91-671).

- 11) Are there any other rules pending on this Part? No

- 12) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate

- 13) Information and questions regarding this rule shall be directed to:

Ms. Susan Weir, Bureau Chief  
Bureau Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Bldg.  
Springfield, Illinois 62762  
(217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

The full text of the Emergency Rules begins on the next page:



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY RULES

TITLE 59: MENTAL HEALTH  
CHAPTER I: DEPARTMENT OF HUMAN SERVICESPART 51: OFFICE OF INSPECTOR GENERAL ADULTS  
WITH DISABILITIES ABUSE PROJECT

## Section

51.10 Purpose of Project

EMERGENCY

51.20 Definitions

EMERGENCY

51.30 Reporting Abuse, Neglect or Exploitation of an Adult with Disabilities

EMERGENCY

51.40 Receipt of Reports

EMERGENCY

51.50 Assessment of Reports

EMERGENCY

51.60 Service Plan

EMERGENCY

51.65 Service Priority

EMERGENCY

51.70 Consent

EMERGENCY

51.80 Access of an Adult with Disabilities

EMERGENCY

51.90 Confidentiality

EMERGENCY

AUTHORITY: Implementing and authorized by the Abuse of Adults with Disabilities Intervention Act [24 ILCS 35].

SOURCE: Adopted by emergency rule at 24 Ill. Reg. 10862, effective July 1, 2000, for a maximum of 150 days.

## Section 51.10 Purpose of Project

EMERGENCY

The Office of Inspector General is responsible for establishing the Adults with Disabilities Abuse Project for adults with disabilities who are reported to have been abused, neglected or exploited. The purposes of this project are to:

- a) prevent, reduce and eliminate abuse, neglect, and exploitation of adults with disabilities;
- b) recognize abuse, neglect and exploitation of adults with disabilities as a serious problem which takes on many forms, including physical abuse, sexual abuse, neglect, and exploitation, and to facilitate accessibility of services and remedies to provide immediate and effective assistance and protection;

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- c) provide for the reporting and assessment of alleged and suspected abuse, neglect and exploitation of adults with disabilities;
- d) refer abused, neglected or exploited adults with disabilities to appropriate State and private agencies for emergency services, protection services, and other assistance necessary to prevent further harm;
- e) encourage and support the efforts of law enforcement officers to provide immediate, effective assistance and protection to adults with disabilities who are abused, neglected or exploited; and
- f) collect information on the incidence of abuse, neglect and exploitation of adults with disabilities and other data to aid in the establishment, coordination, and provision of adequate services to adults with disabilities in a timely, appropriate manner. [20 ILCS 2435/10]

## Section 51.20 Definitions

EMERGENCY

"Abuse" means causing any physical, sexual or mental injury to an adult with disabilities, including exploitation of the adult's financial resources. Nothing in this Part shall be construed to mean an adult with disabilities is a victim of abuse or neglect for the sole reason that he or she is being furnished with or relies upon treatment by spiritual means through prayer alone, in accordance with the tenets and practices of a recognized church or religious denomination. Nothing in this Part shall be construed to mean an adult with disabilities is a victim of abuse because of health care services provided or not provided by a licensed health care professional.

"Adult with disabilities" means a person age 18 through 59 who resides in a domestic living situation and whose physical or mental disability impairs his or her ability to seek or obtain protection from abuse, neglect or exploitation.

"Adults with Disabilities Abuse Project" or "Project" means the program within the Office of Inspector General designated by the Department of Human Services to receive and assess reports of alleged or suspected abuse, neglect or exploitation of adults with disabilities.

"Domestic living situation" means a residence where the adult with disabilities lives alone or with his or her family or household members, a care giver, or others or at a board and care home or other community-based unlicensed facility, but it is not:

A licensed facility as defined in Section 1-113 of the Nursing Home Care Act [210 ILCS 45/1-113].

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**A life care facility as defined in the Life Care Facilities Act [210 ILCS 40].**

A home, institution or other place operated by the federal government, a federal agency, or the State.

A hospital, sanitarium, or other institution, the principal activity or business of which is the diagnosis, care, and treatment of human illness through the maintenance and operation of organized facilities and that is required to be licensed under the Hospital Licensing Act [210 ILCS 85].

A community living facility as defined in the Community Living Facilities Licensing Act [210 ILCS 35].

A community-integrated living arrangement as defined in the Community-Integrated Living Arrangement Act [210 ILCS 135] or community residential alternative as licensed under that Act.

"Emergency" means a situation in which an adult with disabilities is in danger of death or great bodily harm.

"Exploitation" means the illegal, including tortious, use of the assets or resources of an adult with disabilities. Exploitation includes, but is not limited to, the misappropriation of assets or resources of an adult with disabilities by undue influence, by breach of a fiduciary relationship, by fraud, deception or extortion, or by the use of assets or resources in a manner contrary to law.

"Family or household members" means a person who as a family member, volunteer or paid care provider has assumed responsibility for all or a portion of the care of an adult with disabilities who needs assistance with the activities of daily living.

"Neglect" means the failure of another individual to provide an adult with disabilities with, or the willful withholding from an adult with disabilities of, the necessities of life, including, but not limited to, food, clothing, shelter, or medical care. Nothing in the definition of "neglect" shall be construed to impose a requirement that assistance be provided to an adult with disabilities over his or her objection in the absence of a court order, nor to create any new affirmative duty to provide support, assistance or intervention to an adult with disabilities. Nothing in this Part shall be construed to mean that an adult with disabilities is a victim of neglect because of health care services provided or not provided by licensed health care professionals.

"Physical abuse" includes sexual abuse and means any of the following:

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**knowing and reckless use of physical force, confinement or restraint;**

knowing, repeated and unnecessary sleep deprivation; or knowing and reckless conduct which creates an immediate risk of physical harm.

"Secretary" means the Secretary of the Department of Human Services.

"Sexual abuse" means touching, fondling, sexual threats, sexually inappropriate remarks or other sexual activity with an adult with disabilities when the adult with disabilities is unable to understand, unwilling to consent, threatened or physically forced to engage in sexual behavior.

"Substantiated case" means a reported case of alleged or suspected abuse, neglect or exploitation in which the Adults with Disabilities Abuse Project staff, after assessment, determines that there is reason to believe abuse, neglect or exploitation has occurred. [20 ILCS 2435/15]

# **Section 51.30 Reporting Abuse, Neglect or Exploitation of an Adult with Disabilities EMERGENCY**

a) Any person who has reasonable cause to believe abuse, neglect or exploitation of an adult with disabilities has occurred may report this to the Project.

1) The Project shall establish and maintain a single, statewide, TTY accessible, 24 hour toll free number that is available for all persons to use to report alleged or suspected abuse, neglect or exploitation of an adult with disabilities.

2) The Office of Inspector General shall make every effort to publicize this number to encourage public understanding of and cooperation in reporting and eliminating abuse, neglect or exploitation of an adult with disabilities.

3) The Office of Inspector General shall conduct training at least annually for persons taking reports on the statewide system and for persons conducting assessments or making referrals for service plans.

b) Any person, institution, or agency making a report or assessment under this Project in good faith, or providing information, participating in an assessment, or taking photographs or x-rays shall be immune from any civil or criminal liability on account of making a report to the Project.

c) The identity of a person making a report of alleged or suspected abuse, neglect or exploitation of an adult with disabilities under

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this Part may be disclosed by the Office of Inspector General only with the person's written consent or a court order.

- d) The privileged quality of communication between any licensed health care professional and his or her client shall not apply to situations involving the abuse, neglect or exploitation of an adult with disabilities.
- e) Use of a telecommunications device for the deaf constitutes an oral report.
- f) Written reports may be taken. [20 ILCS 2435/25]

**Section 51.40 Receipt of Reports****EMERGENCY**

- a) All reports shall, if possible, include the name and address of the adult with disabilities, the name and address of the alleged abuser, if applicable, the nature and extent of the abuse, neglect or exploitation, any evidence of previous abuse, neglect or exploitation, the time, date and location of the incident, the name and address of the reporter, and any other information that the reporter believes may be useful in assessing the abuse, neglect or exploitation.
- b) In the event of an emergency or other situation where police assistance may be warranted, the Office of Inspector General may contact the law enforcement agency that would provide the most immediate response.
- c) When the Office of Inspector General believes that the death of an adult with disabilities may be the result of abuse, neglect or exploitation, it shall immediately report the matter to the coroner or medical examiner and shall cooperate fully with any subsequent investigation. [20 ILCS 2435/25]

**Section 51.50 Assessment of Reports****EMERGENCY**

- a) The Project shall, upon receiving a report of alleged or suspected abuse, neglect or exploitation, obtain the consent of the subject of the report to conduct an assessment of the report. The assessment shall include, but not be limited to, a face-to-face interview with the adult with disabilities who is the subject of the report. This meeting may include a visit to the residence of the adult with disabilities and interviews or consultations with service agencies or individuals who may have knowledge of the circumstances of the adult with disabilities. A determination shall be made whether a report is substantiated.
- b) If it is determined that there is clear and substantial risk of death or great bodily harm, the Office of Inspector General shall immediately secure or provide emergency protection services for the purpose of preventing further abuse, neglect or exploitation and for

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safeguarding the welfare of the adult with disabilities. Such service shall be provided in the least restrictive environment commensurate with the adult with disabilities' needs.

- c) The Project shall initiate an assessment of all reports of alleged or suspected abuse or neglect within 7 calendar days after the report. Reports of abuse or neglect that indicate that the life or safety of an adult with disabilities is in imminent danger shall be assessed within 24 hours after the receipt of the report. Reports of exploitation shall be assessed within 30 calendar days after the report is received.
- d) When the Project determines that a case is substantiated, it shall refer the case to the appropriate office within the Department of Human Services to develop, with the consent of and in consultation with the adult with disabilities, a service plan for the adult with disabilities.

- e) The Project staff shall refer reports of alleged and suspected abuse, neglect and exploitation to another State agency when that agency has a statutory obligation to investigate such reports.
- f) If the Project has reason to believe that a crime has been committed, the incident shall be reported to the appropriate law enforcement agency. [20 ILCS 2435/35]
- g) Project staff shall make reasonable accommodation of any disability of an adult, including but not limited to the regular use of sign language for any hearing impaired person for whom sign language is a primary mode of communication. If the adult with disabilities is unable to communicate effectively in English, Project staff shall make reasonable efforts to communicate in a language that the individual understands, which may involve the use of a translator or interpreter.

**Section 51.60 Service Plan****EMERGENCY**

- a) The service plan is a temporary plan of the actions developed to address the service/support needs of the adult with a disability. Any service plan shall be in place until the situation causing the abuse, neglect or exploitation of an adult with disabilities is ameliorated.
- b) A service plan shall be developed for each adult with disabilities in need of services and who accepts the services.
- c) The Department shall implement a service plan for substantiated cases within 14 calendar days after the report is substantiated. In emergency situations, the Department shall implement the service plan as soon as possible and in no event later than 2 working days after the case is substantiated. All appropriate emergency services shall remain in place until this service plan is implemented.

**Section 51.65 Service Priority****EMERGENCY**

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The Department has the authority pursuant to Section 35 (c) of the Abuse of Adults with Disabilities Intervention Act to:

- a) Provide, on a priority basis, mental health and developmental services through department supported community agencies or in state-operated facilities to eligible adults in substantiated cases of abuse, neglect or exploitation; and
- b) Waive, in an emergency, current eligibility requirements of such facilities and agencies.

This Section shall not be interpreted to be in conflict with the standards for admission to residential facilities as provided in the Mental Health and Developmental Disability Code [405 ILCS 5].

## Section 51.70 Consent

## EMERGENCY

- a) If the Project receives a report of alleged or suspected abuse, neglect, or exploitation of an adult with disabilities who lacks the capacity to consent to an assessment or to services, the Project may seek, directly or through another agency, the appointment of a temporary or permanent guardian for assessment, provision of services, or any other decision-making authority as is appropriate for the individual as provided in Article X(a) of the Probate Act of 1975 [750 ILCS 5/11(a)-1] or other relief as provided under the Illinois Domestic Violence Act of 1986 [750 ILCS 60]. For purposes of this Section only lacks the capacity to consent shall mean that the adult with disabilities reasonably appears to be unable by reason of physical or mental condition to receive and evaluate information related to the assessment or services, or to communicate decisions related to assessments or services.

- b) If the adult with disabilities consents to the assessment, such assessment shall be conducted. If the adult with disabilities consents to the services included in the service plan, such services shall be provided. If the adult with disabilities refuses or withdraws his or her consent to the completion of the assessment or the service plan, the assessment shall be terminated or the service shall not be provided.

- c) A guardian of the adult with disabilities who is abused, neglected or exploited by another individual in a domestic living situation may consent to an assessment or to services being provided pursuant to a service plan.

- 1) If the guardian is the alleged perpetrator of the abuse, neglect or exploitation, the Project shall seek the appointment of a temporary substitute guardian pursuant to Section 213.3 of the Illinois Domestic Violence Act of 1986 [750 ILCS 60/213.3] under the provisions of Article X(a) of the Probate Act of 1975.
- 2) If a guardian withdraws his consent or refuses to allow an assessment or services to be provided to the adult with disabilities, the Project will seek directly or through another

## DEPARTMENT OF HUMAN SERVICES

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agency a court order seeking appropriate remedies, and may in addition request removal of the guardian and appointment of a successor guardian pursuant to the Probate Act. [20 ILCS 2435/45]

## Section 51.80 Access of an Adult with Disabilities

## EMERGENCY

If the Office of Inspector General is denied access to an adult with disabilities, it may seek assistance from appropriate law enforcement authorities.

## Section 51.90 Confidentiality

## EMERGENCY

All records concerning reports of abuse, neglect or exploitation of an adult with disabilities and all records generated as a result of the reports shall be confidential and shall not be disclosed except as specifically authorized by the Act or other applicable law. Access to records, but not access to the identity of the person or persons making a report of alleged abuse, neglect or exploitation that may be contained in the record, shall be allowed to the following persons and for the following reasons:

- a) Project staff in the furtherance of their responsibilities;
- b) A law enforcement agency investigating alleged or suspected abuse, neglect or exploitation of an adult with disabilities;
- c) An adult with disabilities reported to be abused, neglected or exploited, or his or her guardian unless the guardian is the alleged perpetrator of the abuse, neglect or exploitation;
- d) A court, upon its finding that access to records may be necessary for the determination of an issue before the court. However, the access shall be limited to an in camera inspection of the records, unless the court determines that disclosure of the information contained therein is necessary for the resolution of the issue then pending before it;
- e) A grand jury, upon its determination that access to the records is necessary to the conduct of its official business;
- f) Any person authorized by the Secretary, in writing, for audit or bona fide research purposes;
- g) A coroner or medical examiner who has reason to believe that abuse or neglect contributed to or resulted in the death of an adult with disabilities; or
- h) The agency designated pursuant to the Protection and Advocacy for Developmentally Disabled Persons Act [405 ILCS 40] and the Protection and Advocacy for Mentally Ill Persons Act [405 ILCS 45]. [20 ILCS 2435/55]



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Services
- 2) Code Citation: 89 Ill. Adm. Code 590
- 3) Section Numbers:      Emergency Action:  
     590.20                   Amendment  
     590.40                   Amendment  
     590.70                   Amendment  
     590.80                   Amendment  
     590.130                  Amendment  
     590.220                  Amendment  
     590.230                  Amendment  
     590.240                  Amendment  
     590.250                  Amendment  
     590.270                  Amendment  
     590.280                  Amendment  
     590.290                  Amendment  
     590.310                  Amendment  
     590.600
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3], and authorized by Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625].
- 5) Effective Date of Amendments: July 1, 2000
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A
- 7) Date filed with the Index Department: June 27, 2000
- 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: The level of federal funding of the Vocational Rehabilitation Program has not kept up with the cost of living increases for the last several years. Without the increase in this resource, it is necessary to revise the rules of the Illinois Vocational Rehabilitation services to assure that funding is available to meet the needs of the current customers and of other person with disabilities who need these services to maintain or improve their health and welfare. Also, changes in the federal Rehabilitation Act require rule changes. These are included in this emergency rulemaking because of the need to be in compliance with the federal statute and the need for internal consistency within this Part. If not changed the emergency rulemaking could confuse the customers and hinder the application of the emergency rulemaking.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

- 10) A Complete Description of the Subject and Issues Involved: This rulemaking amends various Sections of this rule. These amendments are necessary to address changes in the federal statutes that created the Individualized Plan for Employment (IPE). More importantly, five Sections are being amended to allow the Office of Rehabilitation Services to address shortfalls in case services funds caused by the level of federal support. These Sections are Financial Guidelines for Training Services, Graduate School Training, Choice of Training Facility/Institution, Transportation and Temporary Lodging, and Grades.
- 11) Are there any other amendments pending on this Part? Yes
- |                 |                 |                              |
|-----------------|-----------------|------------------------------|
| Section Numbers | Proposed Action | Illinois Register Citation   |
| 590.260         | Emergency       | 24 Ill. Reg. 6728, 4/28/2000 |
- 12) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate
- 13) Information and questions regarding this amendment shall be directed to:
- |  |
|--|
| Ms. Susan Weir, Bureau Chief<br>Bureau Administrative Rules and Procedures<br>Department of Human Services<br>100 South Grand Avenue East<br>3rd Floor Harris Bldg.<br>Springfield, Illinois 62762<br>(217) 785-9772 |
|--|

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

The full text of the Emergency Amendments begins on the next page:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

## TITLE 89: SOCIAL SERVICES

## CHAPTER IV: DEPARTMENT OF HUMAN SERVICES

## SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 590  
SERVICES

## SUBPART A: APPLICABILITY

## Section

590.10 General Applicability

590.20 Availability of Services

EMERGENCY

590.30 Effect of Financial Status on Services

590.35 Effect of Comparable Benefits

590.40 Choice of Service Providers

EMERGENCY

## SUBPART B: MEDICAL, PSYCHOLOGICAL AND RELATED SERVICES

## Section

590.50 Provision of Services

590.60 Qualification of Medical and Psychological Service Providers

590.70 Treatment of Acute Conditions

EMERGENCY

590.80 Medication and Treatment

EMERGENCY

590.90 Hearing Aids

590.100 Binaural Hearing Aids

590.110 Speech and Language Services

590.120 Low Vision Aids

590.130 Mental Restoration Services

EMERGENCY

590.140 Heart Surgeries

590.150 Kidney Transplant and Related Services

590.160 Chiropractic Services

590.170 Prosthetic and Orthotic Device

590.180 Wheelchairs

590.190 Prohibited Services

## SUBPART C: TRAINING AND RELATED SERVICES

## Section

590.200 Provision of Services

590.210 Qualification of Training Facilities/Institutions

590.220 Purpose and Types of Training

EMERGENCY

590.230 Financial Guidelines for Training Services

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## NOTICE OF EMERGENCY AMENDMENTS

EMERGENCY

590.240 Graduate School Training

EMERGENCY

590.250 Choice of Training Facility/Institution

EMERGENCY

590.260 Summer School

590.270 Grades

EMERGENCY

590.280 Health Status

EMERGENCY

590.290 On-the-Job Training

EMERGENCY

590.300 Default on Educational Loans

## SUBPART D: TOOLS, EQUIPMENT, SUPPLIES AND INITIAL STOCK

## Section

590.310 Provision of Services

EMERGENCY

590.320 Self-Employment program

590.330 Services/Goods not Available

590.340 Bidding Requirements

590.350 Recovery of Tools, Equipment, Supplies and Initial Stock

590.360 Transfer of Title

590.370 Limitation of Financial Participation (Repealed)

## SUBPART E: VEHICLE ADAPTATION AND ENVIRONMENTAL MODIFICATION

## Section

590.375 Provision of Services

590.380 Vendor Requirements

590.390 Bidding Requirements

590.400 Vehicle Adaptation

DIS-ORS Financial Participation in Van Adaptation

590.410 Environmental Modification

590.420 Environmental Modification

590.430 Written Agreements for Environmental Modification

590.440 Compliance with Capital Development Board Specifications

## SUBPART F: PERSONAL SUPPORT SERVICES AND AUXILIARY AIDS

## Section

590.450 Provision of Services

590.460 Types of Services

590.470 Services/Equipment

590.480 Qualifications for Services Provided by Individuals

590.490 Payment for Support Services Provided by Individuals

590.490 of Service Provision

Conditions

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

## SUBPART G: COMPUTER EQUIPMENT AND SENSORY AID LOAN

Section  
590.500 Provision of Services (Repealed)  
590.510 Definitions (Repealed)  
590.520 Purpose of Equipment Loans (Repealed)  
590.530 Criteria for Loan of Equipment/Aids (Repealed)  
590.540 Equipment/Aids Loan Request Procedures and Approval Process (Repealed)  
590.550 Duration of Loans (Repealed)  
590.560 Maintenance and Return of Equipment/Aids (Repealed)  
590.570 Assistance in Obtaining Permanent Equipment/Aids (Repealed)  
590.580 Limitations on Available Equipment/Aids (Repealed)

## SUBPART H: OTHER SERVICES

Section  
590.590 Provision of Services  
590.600 Transportation and Temporary Lodging  
590.610 Other Goods and Services  
590.620 Equipment Sets

## SUBPART I: PLACEMENT

Section  
590.630 Provision of Placement Services  
590.640 Description of Services

## SUBPART J: MAINTENANCE

Section  
590.650 Provision of Services  
590.660 Definitions  
590.670 Determination of the Need for Maintenance  
590.675 Determination of Client Financial Participation in Maintenance  
590.680 Exceptions to Basic Needs Level

## SUBPART K: POST-EMPLOYMENT SERVICES

590.700 Provision of Services  
590.710 Definitions  
590.720 Scope of Services

## SUBPART L: TRANSITION

590.730 Provision of Services  
590.740 Definitions

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

## 590.750 Secondary Transitional Experience Program (STEP)

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3], and authorized by Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625].

SOURCE: Emergency Rules adopted at 17 Ill. Reg. 11812, effective July 1, 1993, for a maximum of 150 days; adopted at 17 Ill. Reg. 20461, effective November 15, 1993; amended at 18 Ill. Reg. 11275, effective June 30, 1994; emergency amendment at 18 Ill. Reg. 16468, effective October 20, 1994, for a maximum of 150 days; amended at 19 Ill. Reg. 7260, effective May 12, 1995; amended at 19 Ill. Reg. 7435, effective May 19, 1995; amended at 19 Ill. Reg. 10153, effective June 29, 1995; amended at 19 Ill. Reg. 10709, effective June 29, 1995; amended at 20 Ill. Reg. 6319, effective April 18, 1996; amended at 20 Ill. Reg. 6523, effective April 18, 1996; amended at 20 Ill. Reg. 10375, effective July 19, 1996; amended at 21 Ill. Reg. 1395, effective January 17, 1997; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 201, effective December 15, 1998; amended at 23 Ill. Reg. 7502, effective June 17, 1999; emergency amendment at 24 Ill. Reg. 6728, effective April 14, 2000, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 10372, effective July 1, 2000, for a maximum of 150 days.

## SUBPART A: APPLICABILITY

## Section 590.20 Availability of Services

## EMERGENCY

Services described in this Part shall only be provided to customers who have been determined eligible to receive VR services (89 Ill. Adm. Code 553) for whom an Individualized Plan for Employment has been developed calling for the provision of such services to reach the customer's employment outcome.

a) Services described in this Part shall only be provided to clients determined eligible to receive VR services (89 Ill. Adm. Code 553) for whom such services have been determined necessary to ensure a successful employment outcome per the Comprehensive Assessment of Rehabilitation Needs (89 Ill. Adm. Code 553.160) and for whom an Individualized Written Rehabilitation Program (IWRP) (89 Ill. Adm. Code 592) has been developed calling for the provision of such services.

b) Any service listed in this Part which may be provided to a client or which DHS-ORS assists the client in obtaining must be listed on the client's IWRP and must be necessary to overcome an impediment to employment and is anticipated to result in a successful employment outcome.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 10372, effective July 1, 2000, for a maximum of 150 days)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

**Section 590.40 Choice of Service Providers****EMERGENCY**

- a) Unless otherwise specified in this Part and to the maximum extent possible, the customer client shall have the right to choose any service provider to provide those services listed in the IPE. ~~his/her~~ ~~WRP~~ The ~~as-long-as~~ the provider must be ~~is~~ certified, licensed or determined qualified to provide the specific service required.
- b) If the ~~necessary~~ services are available at a lower cost from a service provider not chosen by the customer client, the customer client shall ~~be required to pay the difference in costs to use the service provider of his/her choice.~~

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 10378, effective July 1, 2000, for a maximum of 150 days)

## SUBPART B: MEDICAL, PSYCHOLOGICAL AND RELATED SERVICES

**Section 590.70 Treatment of Acute Conditions****EMERGENCY**

At any time when an acute illness or condition arises during the time the customer is receiving services under an IPE, DHS-ORS may pay for the treatment if the following conditions are present:

- the duration of the acute condition is short enough that it will not interfere with the provision of services;
  - the treatment is deemed necessary and recommended by the appropriate medical professional;
  - the treatment is mutually agreed to by the customer and the counselor;
  - the treatment is necessary to avoid an interruption of service listed in the customer's IPE and
  - the customer's IPE is amended to allow for the provision of these services.
- a) DHS-ORS will pay for treatment of an acute condition which is severe but of a short duration which is determined by the customer and counselor as necessary at any time during the life of the case which is recommended by an appropriate medical professional and which is necessary to avoid interruption of services listed in the customer's IPE.
- b) An amendment to the IPE (49 Ill. Adm. Code 572.66) is required to allow for the provision of these services:

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 10378, effective July 1, 2000, for a maximum of 150 days)

**Section 590.80 Medication and Treatment****EMERGENCY**

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## NOTICE OF EMERGENCY AMENDMENTS

- a) DHS-ORS may pay for medication/treatment (e.g., doctor's office visits, medication) if necessary to cure or stabilize a condition in accordance with the customer's IPE ~~WRP~~.
- b) DHS-ORS shall not pay for ongoing medication/treatment (treatment for a condition for which there is no foreseeable date of termination of the medication/treatment) except as a support service to the primary service on the IPE ~~WRP~~ (e.g., a customer requires insulin to control his/her diabetes in order to attend training) and then only until completion of that primary service.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 10378, effective July 1, 2000, for a maximum of 150 days)

**Section 590.130 Mental Restoration Services****EMERGENCY**

- a) Pursuant to the provisions of 89 Ill. Adm. Code 590.20, DHS-ORS will, with the exception of electro-shock treatments, provide in-patient mental restoration services from a private hospital only when the need for such services is documented in the customer's case file by reports from the customer's psychiatrist or psychologist and comparable benefits (89 Ill. Adm. Code 567.30(d)) are not timely or available.
- b) In such cases, comparable benefits shall be arranged at the soonest possible time after initiation of services and DHS-ORS funding shall be withdrawn.

- c) DHS-ORS shall not pay for on-going mental-restoration services (when there is no foreseeable ending date for the services) unless these services are in support of a primary service listed on the customer's IPE ~~WRP~~ and then only until completion of the primary service.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 10378, effective July 1, 2000, for a maximum of 150 days)

## SUBPART C: TRAINING AND RELATED SERVICES

**Section 590.220 Purpose and Types of Training****EMERGENCY**

- a) Training is available to a customer client of the VR Program, as appropriate, for the customer an individual client as evidenced by the determination of the customer's client's eligibility (89 Ill. Adm. Code 553.20), the Comprehensive Assessment of Rehabilitation Needs (89 Ill. Adm. Code 553.100) and as included in the customer's client's Individualized Plan for Employment Written Rehabilitation Program (IPE) ~~WRP~~ (89 Ill. Adm. Code 572). ~~Training shall be provided to a client to allow him/her to achieve a successful employment outcome.~~
- b) Training provided to a customer client pursuant to the provisions of subsection (a) above may be of a vocational/technical or educational



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

nature as based on the customer's client's needs and determined as necessary to ensure attainment of the customer's client's chosen employment outcome goal.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 10372, effective July 1, 2000, for a maximum of 150 days)

**Section 590.230 Financial Guidelines for Training Services****EMERGENCY**

- a) Training services shall be provided to a customer in accordance with the provisions set forth at 89 Ill. Adm. Code 562 - Customer Financial Participation. Customers attending training must provide proof of award or denial of financial assistance, the amount of such award, acceptance at the institution, and any previous transcript before the implementation of the customer's IPE or subsequent amendment. In addition, if post-secondary training is to be provided prior to expenditure of DHS-ORS funds, the counselor with assistance and input of the customer, must certify that maximum effort to obtain funding for the training from sources of comparable benefits (89 Ill. Adm. Code 567) has been made. An attempt to secure comparable benefits in circumstances listed at 89 Ill. Adm. Code 567-58

- b) DHS-ORS VR Program will assist with the purchase of books, supplies and materials, required of all students, necessary for a customer to complete his/her training program in accordance with 89 Ill. Adm. Code 562 - Customer Financial Participation and 89 Ill. Adm. Code 567 - Comparable Benefits.

- c) DHS-ORS VR Program will assist with the purchase of transportation services necessary for the customer to complete his/her training program in accordance with 89 Ill. Adm. Code 562 - Customer Financial Participation and 89 Ill. Adm. Code 567 Comparable Benefits when housing is not available for the customer at the training site.

- d) A DHS-ORS VR program customer is required to obtain the medical/health related insurance offered by the training institution which he/she attends, if available. DHS-ORS will assist with the purchase of the medical/health related insurance coverage, if offered and required by the training institution. This shall be done in accordance with 89 Ill. Adm. Code 562 - Customer Financial Participation and 89 Ill. Adm. Code 567 - Comparable Benefits.

- e) DHS-ORS will assist with the purchase of other support services (i.e., tutor services, reader services, note taker services) in accordance with 89 Ill. Adm. Code 562 - Customer Financial Participation and 89 Ill. Adm. Code 567 - Comparable Benefits. If education or language tutorial services are to be provided to a customer who is deaf to assist in the completion of the his/her training program, the tutor must:

- 1) be certified by the Illinois State Board of Education;

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

- 2) hold at least a bachelor's degree in deaf education from an accredited college or university; or
- 3) be approved by the Chief Administrator of Services for Persons Who Are Deaf or Hard of Hearing. Approval is based upon the individual's signing skills and related experience/education. Skill and education/experience shall be verified by letters of reference provided by the individual from other appropriate service providers, or by resume, and personal interview which shall include an assessment of the individual's signing skills by the administrator or designee.

10372

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 10372, effective July 1, 2000, for a maximum of 150 days)

**Section 590.240 Graduate School Training****EMERGENCY**

- a) DHS-ORS shall assist in the sponsorship of graduate school only when the customer's client's employment outcome is consistent with the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice. This is to be goal requires attainment of such a degree as determined by the counselor and the customer based on knowledge of the occupational choice of the customer client and the labor market and as evidenced by the customer's client's IPE WWP (89 Ill. Adm. Code 572).

- b) In addition to the amount of customer participation indicated on the financial analysis, DHS-ORS shall require customer/family investment in the rehabilitation plan for graduate training from 10% to 50% of actual cost. The actual percentage is to be based on customer potential to offset cost (i.e., voluntary customer participation, tuition waivers, merit scholarships, internships, work study programs, employment, etc.).

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 10372, effective July 1, 2000, for a maximum of 150 days)

**Section 590.250 Choice of Training Facility/Institution****EMERGENCY**

- a) To the maximum extent possible, the customer shall have the choice of the training facility/institution he/she will attend in completion of his/her IPE WWP (89 Ill. Adm. Code 572). Facilities however facilities within the State of Illinois shall be given preference and State operated institutions of higher education shall be given preference over private and out-of-state institutions. DHS-ORS shall only authorize the total cost of the program, including but not limited to tuition, fees, books, supplies, room, board, maintenance (Section 590.660 of this Part), transportation and support services up to the cost of attending the most expensive State operated facility, less

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

scholarships and other comparable benefits (89 Ill. Adm. Code 567) and required customer financial participation (89 Ill. Adm. Code 562).

b) Although in-state, State-operated facilities and local community college must be given preference, a customer's choice to attend a private or out-of-state facility/institution may be approved if:

1) there is no comparable training at a State-operated facility in-state; facility or the customer's local community college as verified by the counselor based on information regarding curriculum, recommendation of colleagues and past experience with facilities/institutions offering training in the area of the customer's employment objective;

2) the cost of the training at the private or out-of-state facility/institution is less than that of the same or similar training at a State-operated facility/institution in-state; facility/institution or local community college;

3) because of the customer's particular impediments to employment no State-operated facility/institution in-state facility/institution or the local community college is accessible for the customer; whether in-state facility's/institution's training is accessible to the customer shall be determined by the counselor based on information regarding curriculum, recommendations of colleagues and past experience with facilities/institutions offering training in the area of the customer's employment objective.

e) If none of the circumstances listed in 89 Ill. Adm. Code 590-256(b) above is met, DHS-ORS shall only authorize the total cost of tuition fees and maintenance up to the cost of attending the most expensive State-operated facility (89 Ill. Adm. Code 598-Subpart 37) less scholarship, other comparable benefits (89 Ill. Adm. Code 567) and required customer financial participation (89 Ill. Adm. Code 562) if one or more of the criteria is met: DHS-ORS may authorize up to the total cost of the training, less scholarship, comparable benefits and customer financial participation.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 10382, effective July 1, 2000, for a maximum of 150 days)

## Section 590.270 Grades

EMERGENCY

a) Grades  
1) DHS-ORS will sponsor a customer client in an educational program as long as the customer client maintains a cumulative "C" grade point average (GPA) (2.0 on a 4.0 point system) at for each grading period (e.g., semester, quarter or term) and also maintains a sufficient cumulative GPA to meet graduation requirements in his/her major field of study.

2) If at any time a customer's cumulative client's GPA falls below a

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

"C" average or below the cumulative GPA necessary to meet graduation requirements, DHS-ORS will only continue to sponsor the customer client for one additional grading period, regardless of when taken, providing the customer client and counselor agree continued training is appropriate. At the completion of the additional grading period, the cumulative GPA shall be a "C" average, or at the cumulative GPA level needed to meet graduation requirements. During the additional term, the client must achieve at least a "C" GPA and show continued progress thereafter toward raising his/her cumulative GPA to the required level. Continued progress means any elevation of cumulative GPA for each successive term or grading period.

3) If the customer fails a course that DHS-ORS paid for, the customer will be required to pay for that course if taken again.  
4) Changing or dropping courses during a term requires pre-approval from the DHS-ORS counselor. If a customer drops a course or withdraws without pre-approval, the course shall not be paid for by DHS-ORS if retaken.

## b) Attendance

1) DHS-ORS shall sponsor a customer for no more than three academic years to obtain an Associate's Degree and up to the equivalent of three additional academic years to complete a Bachelor's degree.  
2) Exceptions to subsection (b)(1) above may be granted by the Bureau Chief, if there are extenuating circumstances relating to the customer's disability, or personal and/or financial situation.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 10382, effective July 1, 2000, for a maximum of 150 days)

## Section 590.280 Health Status

EMERGENCY

a) If a customer client is prevented from attending the training program outlined in his/her IPE WRP (89 Ill. Adm. Code 572) or is forced to withdraw, due to health reasons, he/she must obtain written verification for the need of such action from his/her physician or the health service at the facility/institution at which he/she is enrolled.

b) If a customer client is prevented from attending training due to hospitalization, he/she must inform his/her DHS-ORS counselor. In such cases, advanced notice should be provided to the DHS-ORS counselor, when possible.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 10382, effective July 1, 2000, for a maximum of 150 days)

## Section 590.290 On-the-Job Training

## DEPARTMENT OF HUMAN SERVICES

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EMERGENCY

If, as a result of the Comprehensive Assessment of Rehabilitation Needs (89 Ill. Adm. Code 553.100), On-the-Job Training (OJT) is identified as a necessary service, the following requirements must be met:

- a) the customer's IPE ~~client's--IWRP~~ (89 Ill. Adm. Code 572) must specifically state the objectives, supplies needed and the anticipated length of the OJT; and
- b) the wages paid to the customer ~~client~~ by the trainer/employer during the OJT must be at least minimum wages, unless a United States Department of Labor Training Certificate (WH 224) has been issued for the client pursuant to 23 USC 4562-201 et seq.

10372

(Source: Amended by emergency rulemaking at 24 Ill. Reg. \_\_\_\_\_, effective July 1, 2000, for a maximum of 150 days)

## SUBPART D: TOOLS, EQUIPMENT, SUPPLIES AND INITIAL STOCK

## Section 590.310 Provision of Services

EMERGENCY

- a) All services described in this Subpart shall be provided in accordance with the provisions of this Subpart and Subpart A of this Part.
- b) Prior to provision ~~provisions~~ of any of the services listed in this Subpart, the counselor shall consult with the appropriate regional/central office resource specialist when considering self-employment as an employment goal for a client. DHS-ORS participation in such a program must be approved in writing by the Rehabilitation Services Supervisor prior to initiation of an Individualized Plan for Employment (IPE) ~~Written--Rehabilitation Program--IWRP~~ (89 Ill. Adm. Code 572).

10372

(Source: Amended by emergency rulemaking at 24 Ill. Reg. \_\_\_\_\_, effective July 1, 2000, for a maximum of 150 days)

## SUBPART H: OTHER SERVICES

## Section 590.600 Transportation and Temporary Lodging

EMERGENCY

- a) When, during the completion of the customer's IPE ~~client's--IWRP~~ (89 Ill. Adm. Code 572), transportation and/or temporary lodging is necessary to complete his/her employment outcome ~~objective~~, DHS-ORS shall reimburse the customer ~~client~~ and, when the customer ~~client~~ requires a PA (Section 89-III-Adm-Code 590.460), reimburse the PA for travel and lodging expenses pursuant to Department of Central Management Services ~~Service~~ rules at 80 Ill. Adm. Code 3000.2886 - The Travel Regulation Council Regulations. Mileage shall be paid at 50¢

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

of the established rate of the Travel Regulation Council, rounded to the next cent. DHS-ORS shall not pay for automobile maintenance and insurance.

The following shall also apply:

- 1) Mileage shall be computed on one round trip per day that the customer attends a reimbursable event (reimbursement is available only for attending services planned in the IPE for which transportation reimbursement is being made available).
- 2) If the public transportation system is accessible to the customer and meets the customer's schedule, the maximum DHS/ORS shall pay the customer for transportation shall be the cost of public transportation.

These expenses shall not be reimbursed once the customer's ~~client~~ has ~~attained--his/her~~ employment outcome has been ~~attained~~ ~~goal~~ and the ~~received--his/her~~ first pay check has been received ~~and the~~

- b) Transportation via ambulance will only be provided based on the customer's ~~client's~~ IPE ~~IWRP~~ (89 Ill. Adm. Code 572) and when ordered by the customer's ~~client's~~ attending physician.
- c) DHS-ORS may pay customers in residence at a college or training program cost of the least expensive means of accessible transportation for up to two round trips home per academic year not including the initial trip to school at the beginning of the school year and the final trip home at the end of the school year. Customer transportation needs for training at ICRB-Wood will be determined by the customer's training schedule and the training schedule of ICRB-Wood.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 10372, effective July 1, 2000, for a maximum of 150 days)

DEPARTMENT OF PUBLIC AID  
NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Numbers:  
148.140  
148.295  
148.310  
Emergency Action:  
Amendment  
Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 91-0712
- 5) Effective Date: July 1, 2000
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed with the Index Department: June 30, 2000
- 8) A copy of the emergency amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: These emergency amendments are being filed pursuant to the State's budget implementation plan under Public Act 91-0712. The amendments are necessary to provide reimbursement changes for certain outpatient services in children's hospitals, and to allow a one-time fiscal year 2000 payment for specified adult and pediatric outpatient services. Other amendments specify rate changes affecting DEA (direct hospital adjustment payments) under CHAP (critical hospital adjustments). These revisions to the Department's hospital payment system will ensure adequate reimbursement for essential services under the Medical Assistance Program. Emergency rulemaking is specifically authorized for the implementation of these reimbursement changes for fiscal year 2001 by Section 5-45 of Public Act 91-0712.

- 10) Complete Description of the Subjects and Issues Involved: These emergency amendments to the Department's administrative rules concerning hospital services provide for certain reimbursement increases as required by the State's budget implementation plan for fiscal year 2001.

The revisions to Section 148.140 apply to hospitals providing outpatient services under the ambulatory procedure listing (APL) reimbursement system. For APL Group 5, psychiatric treatment services, and APL Group 6, physical rehabilitation services, children's hospitals will be reimbursed according to a new rate system. These changes are intended to make hospital outpatient billing more consistent for all age groups. Additionally, hospitals providing APL outpatient services will receive a

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- one-time payment for services delivered between July 1, 1998, and June 30, 1999. The payment amount will be determined on the basis of a specific rate amount paid for certain procedures including adult services, pediatric psychiatric services and pediatric physical rehabilitation services. Changes to Section 148.310 add a review procedure regarding the one-time payment. This one-time payment is intended to recognize unexpected changes in the volume of Medicaid services.
- Changes to Section 148.295 provide new qualitative criteria and specific rate increases concerning direct hospital adjustments (DHA) in the critical hospital adjustment program (CHAP). Some of these DHA increases will be calculated on the basis of a hospital's Medicaid inpatient utilization rate (MIUR). Hospitals with the greatest Medicaid service levels will receive the most significant DHAs. Other DHA changes are also being provided according to hospital type and either Total days, Obstetrical days, MIUR or Total admissions.

The Department anticipates an increase in spending of approximately \$14.3 million for hospital services during fiscal year 2001.

- 11) Are there any other amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
148.120	Amendment	March 31, 2000 (24 Ill. Reg. 5631)
148.310	Amendment	March 17, 2000 (24 Ill. Reg. 4053)
148.340	Amendment	March 17, 2000 (24 Ill. Reg. 4053)
148.350	Repeal	March 17, 2000 (24 Ill. Reg. 4053)
148.360	Repeal	March 17, 2000 (24 Ill. Reg. 4053)
148.370	Amendment	March 17, 2000 (24 Ill. Reg. 4053)
148.380	Repeal	March 17, 2000 (24 Ill. Reg. 4053)
148.390	Amendment	March 17, 2000 (24 Ill. Reg. 4053)

- 12) Statement of Statewide Policy Objectives: These emergency amendments neither create nor expand any state mandates affecting units of local government.

- 13) Information and questions regarding this amendment shall be directed to:

Joanne Jones  
Office of the General Counsel, Rules Section  
Illinois Department of Public Aid  
201 South Grand Avenue East, Third Floor  
Springfield, Illinois 62763-0002  
(217) 524-0081

The full text of the emergency amendments begins on the next page:



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TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER d: MEDICAL PROGRAMS

PART 148  
HOSPITAL SERVICES

- Section  
148.10 Hospital Services  
148.20 Participation  
148.25 Definitions and Applicability  
148.30 General Requirements  
148.40 Special Requirements  
148.50 Covered Hospital Services  
148.60 Services Not Covered as Hospital Services  
148.70 Limitation On Hospital Services  
148.80 Organ Transplants Services Covered Under Medicaid (Repealed)  
148.82 Organ Transplant Services  
148.90 Heart Transplants (Repealed)  
148.100 Liver Transplants (Repealed)  
148.110 Bone Marrow Transplants (Repealed)  
148.120 Disproportionate Share Hospital (DSH) Adjustments  
148.130 Outlier Adjustments for Exceptionally Costly Stays  
148.140 Hospital Outpatient and Clinic Services  
148.140 Hospital Outpatient and Clinic Services  
148.150 Public Law 103-66 Requirements  
148.160 Payment Methodology for County-Owned Hospitals in an Illinois County with a Population of Over Three Million  
148.170 Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act  
148.175 Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act  
148.180 Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting  
148.190 Copayments  
148.200 Alternate Reimbursement Systems  
148.210 Filing Cost Reports  
148.220 Pre September 1, 1991 Admissions  
148.230 Admissions Occurring on or after September 1, 1991  
148.240 Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements  
148.250 Determination of Alternate Payment Rates to Certain Exempt Hospitals  
148.260 Calculation and Definitions of Inpatient Per Diem Rates  
148.270 Determination of Alternate Cost Per Diem Rates for All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals  
148.280 Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements

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148.285 Excellence in Academic Medicine Payments  
148.290 Adjustments and Reductions to Total Payments  
148.295 Critical Hospital Adjustment Payment (CHAP)

## EMERGENCY

148.296 Supplemental Critical Hospital Adjustment Payments (SCHAP)  
148.297 Pediatric Outpatient Adjustment Payments  
148.298 Pediatric Inpatient Adjustment Payments  
148.300 Payment  
148.310 Review Procedure

## EMERGENCY

148.320 Alternatives  
148.330 Exemptions  
148.340 Subacute Alcoholism and Substance Abuse Treatment Services  
148.350 Definitions  
148.360 Types of Subacute Alcoholism and Substance Abuse Treatment Services  
148.368 Volume Adjustment (Repealed)  
148.370 Payment for Subacute Alcoholism and Substance Abuse Treatment Services  
148.380 Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services  
148.390 Hearings  
148.400 Special Hospital Reporting Requirements

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI, and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired August 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11355, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1993, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg. 131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended

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at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17646, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16630, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 21 Ill. Reg. 607, effective January 2, 1997; amended at 21 Ill. Reg. 8386, effective June 23, 1997; emergency amendment at 21 Ill. Reg. 9552, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9822, effective July 2, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 10147, effective August 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13349, effective September 23, 1997; emergency amendment at 21 Ill. Reg. 13675, effective September 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16161, effective November 26, 1997; amended at 22 Ill. Reg. 1408, effective December 29, 1997; amended at 22 Ill. Reg. 3083, effective January 26, 1998; amended at 22 Ill. Reg. 11514, effective June 22, 1998; emergency amendment at 22 Ill. Reg. 13070, effective July 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 15027, effective August 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16273, effective August 28, 1998; amended at 22 Ill. Reg. 21490, effective November 25, 1998; amended at 23 Ill. Reg. 5784, effective April 30, 1999; amended at 23 Ill. Reg. 7115, effective June 1, 1999; amended at 23 Ill. Reg. 7906, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8213, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12772, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13621, effective November 1, 1999; amended at 24 Ill. Reg. 2400, effective February 1, 2000; amended at 24 Ill. Reg. 3845, effective February 25, 2000; emergency amendment at 24 Ill. Reg. **10386**, effective July 1, 2000, for a maximum of 150 days.

## Section 148.140 Hospital Outpatient and Clinic Services

EMERGENCY

## a) Fee-For-Service Reimbursement

- 1) Reimbursement for hospital outpatient services shall be made on a fee-for-service basis, except for:

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- A) Those services that meet the definition of the Ambulatory Procedure Listing (APL) as described in subsection (b) of this Section.
  - B) End stage renal disease treatment (ESRD) services, as described in subsection (c) of this Section.
  - C) Those services provided by a Certified Pediatric Ambulatory Care Center (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D) and Section 148.25(b)(5)(D).
  - D) Those services provided by a Critical Clinic Provider as described in subsection (e) of this Section.
- 2) Except for the procedures under the APL groupings described in subsection (b) of this Section, fee-for-service reimbursement levels shall be at the lower of the hospital's usual and customary charge to the public or the Department's statewide maximum reimbursement screens. Hospitals will be required to bill the Department utilizing specific service codes. However, all specific client coverage policies (relating to client eligibility and scope of services available to those clients) which pertain to the service billed are applicable to hospitals in the same manner as to non-hospital providers who bill fee for service.
  - 3) With respect to those hospitals described in Section 148.25(b)(2)(A), the reimbursement rate described in subsection (a)(2) of this Section shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as follows:
    - A) The reimbursement rates described in subsection (a)(2) of this Section shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports.
    - B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.
  - 4) Maternal and Child Health Program rates, as described in 89 Ill. Adm. Code 140 Table M, shall be paid to Certified Hospital Ambulatory Primary Care Centers (CHAPCC), as described in 89 Ill. Adm. Code 140.461(f)(1)(A) and Section 148.25(b)(5)(A), Certified Hospital Organized Satellite Clinics (CHOSC), as described in 89 Ill. Adm. Code 140.461(f)(1)(B) and Section 148.25(b)(5)(B), as Certified Obstetrical Ambulatory Care Centers (COBACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(C) and Section 148.25(b)(5)(C). Maternal and Child Health Program rates shall also be paid to Certified Pediatric Ambulatory Care Centers (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D) and Section 148.25(b)(5)(D), for covered services as described in 89

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111. Adm. Code 140.462(e)(3), that are provided to non-assigned Maternal and Child Health Program clients, as described in 89 Ill. Adm. Code 140.464(b)(1).
- 5) Certified Pediatric Ambulatory Care Centers (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D) and Section 148.25(b)(5)(D), shall be reimbursed in accordance with 89 Ill. Adm. Code 140.464(b)(2) for assigned clients.
- 6) Hospitals described in Sections 148.25(b)(2)(A) and 148.25(b)(2)(B) shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year.
- 7) With the exception of the retrospective adjustment described in subsection (a)(3) of this Section, no year-end reconciliation is made to the reimbursement rates calculated under this Section.
- b) Ambulatory Procedure Listing (APL)  
Effective July 1, 1998, the Department will reimburse hospitals for certain hospital outpatient procedures as described in subsection (b)(1) of this Section.

## 1) APL Groupings

Under the APL, a list was developed that defines those technical procedures that require the use of the hospital outpatient setting, its technical staff or equipment. These procedures are separated into separate groupings based upon the complexity and historical costs of the procedures. The groupings are as follows:

## A) Surgical Groups

- i) Surgical group 1(a) consists of intense surgical procedures. Group 1(a) surgeries require an operating suite with continuous patient monitoring by anesthesia personnel. This level of service involves advanced specialized skills and highly technical operating room personnel using high technology equipment.
- ii) Surgical group 1(b) consists of moderately intense surgical procedures. Group 1(b) surgeries generally require the use of an operating room suite or an emergency room treatment suite, along with continuous monitoring by anesthesia personnel and some specialized equipment.
- iii) Surgical group 1(c) consists of low intensity surgical procedures. Group 1(c) surgeries may be done in an operating suite or an emergency room and require relatively brief operating times. Such procedures may be performed for evaluation or diagnostic reasons.
- iv) Surgical group 1(d) consists of surgical procedures of very low intensity. Group 1(d) surgeries may be done in an operating room or emergency room, have a low risk of complications, and include some physician-administered diagnostic and therapeutic

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- procedures.
- B) Diagnostic and Therapeutic Groups
- i) Diagnostic and therapeutic group 2(a) consists of advanced or evolving technologically complex diagnostic or therapeutic procedures. Group 2(a) procedures are typically invasive and must be administered by a physician.
- ii) Diagnostic and therapeutic group 2(b) consists of technologically complex diagnostic and therapeutic procedures that are typically non-invasive. Group 2(b) procedures typically include radiological consultation or a diagnostic study.
- iii) Diagnostic and therapeutic group 2(c) consists of other diagnostic tests. Group 2(c) procedures are generally non-invasive and may be administered by a technician and monitored by a physician.
- iv) Diagnostic and therapeutic group 2(d) consists of therapeutic procedures. Group 2(d) procedures typically involve parenterally administered therapeutic agents. Either a nurse or a physician is likely to perform such procedures.
- C) Group 3 reimbursement for services provided in a hospital emergency department will be made in accordance with one of the three levels described below. Emergency Services mean those services that are for a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, possessing an average knowledge of medicine and health, could reasonably expect that the absence of immediate attention would result in placing the health of the individual (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy, serious impairment to bodily functions or serious dysfunction of any bodily organ or part. The determination of the level of service reimbursable by the Department shall be based upon the circumstances at the time of the initial examination, not upon the final determination of the client's actual condition, unless the actual condition is more severe.
- i) Emergency Level I refers to Emergency Services provided in the hospital's emergency department for the alleviation of severe pain or for immediate diagnosis and/or treatment of conditions or injuries that pose an immediate significant threat to life or physiologic function or requires an intense level of physician or nursing intervention. An "intense level" is defined as more than two hours of documented one-on-one nursing care or interactive treatment.
- ii) Emergency Level II refers to Emergency Services that

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do not meet the above definition of Emergency Level I care, but that are provided in the hospital emergency department for a medical condition manifesting itself by acute symptoms of sufficient severity.

- iii) Non-Emergency/Screening Level means those services provided in the hospital emergency department that do not meet the requirements of Emergency Level I or II stated above. For such care, the Department will reimburse the hospital either applicable current FPS rates for the services provided or a screening fee, but not both.

- D) Group 4 for observation services is established to reimburse such services that are provided when a patient's current condition does not warrant an inpatient admission but does require an extended period of observation in order to evaluate and treat the patient in a setting that provides ancillary resources for diagnosis or treatment with appropriate medical and skilled nursing care. The hospital may bill for both observation and other APL procedures but will be reimbursed only for the procedure (group) with the highest reimbursement rate. Observation services will be reimbursed under one of three categories: at least 60 minutes but less than six hours and 31 minutes of services; at least six hours and 31 minutes but less than 12 hours and 31 minutes of services; or 12 hours and 31 minutes or more of services.

- E) Group 5 for psychiatric treatment services is established to reimburse for certain outpatient treatment psychiatric services that are provided by a hospital that is enrolled with the Department to provide inpatient psychiatric services. Under this group, the Department will reimburse, at different rates, Type A and Type B psychiatric Clinic Services, as defined in Section 148.40(d)(2) ~~end--the Illinois-Medicaid-State-Pin~~. A different rate will also be reimbursed to children's hospitals as defined in 89 Ill. Adm. Code 149.50(C)(3)(A).

- F) Group 6 for physical rehabilitation services is established to reimburse for certain outpatient physical rehabilitation services. Under this group, the Department will reimburse for services provided by a hospital enrolled with the Department to provide inpatient physical rehabilitation services at a different rate than will be reimbursed for physical rehabilitation services provided by a hospital that is not enrolled with the Department to provide physical rehabilitation services. A different rate will also be reimbursed to children's hospitals as defined in 89 Ill. Adm. Code 149.50(C)(3)(A).

- 2) Each of the groups described in subsection (b)(1) of this Section

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will be reimbursed by the Department considering the following:  
A) The Department will provide cost outlier payments for specific devices and drugs associated with specific APL procedures. Such payments will be made if:

- i) The device or drug is on an approved list maintained by the Department. In order to be approved, the Department will consider requests from medical providers and shall base its decision on medical appropriateness of the device or drug and the costs of such device or drug; and
  - ii) The provision of such devices or drugs is deemed to be medically appropriate for a specific client, as determined by the Department's physician consultants.
- B) Additional payment for such devices or drugs, as described in subsection (b)(2)(A) of this Section, will require prior authorization by the Department unless it is determined by the Department's professional medical staff that prior authorization is not warranted for a specific device or drug. When such prior authorization has been denied for a specific device or drug, the decision may be appealed as allowed by 89 Ill. Adm. Code 102.80(a)(7) and in accordance with the provisions for assistance appeals at 89 Ill. Adm. Code 104.

- C) The amount of additional payment for devices or drugs, as described in subsection (b)(2)(A) of this Section, will be based on the following methodology:

- i) The product of a cost to charge ratio that, in the case of cost reporting hospitals as described in Section 148.130(d), or in the case of other non-cost reporting providers, equals 0.5 multiplied by the provider's total covered charges on the qualifying claim, less the APL payment rate multiplied by four; If the result of subsection (b)(2)(C)(i) of this Section is less than or equal to zero, no additional payment will be made. If the result is greater than zero, the additional payment will equal the result of subsection (b)(2)(C)(i) of this Section, multiplied by 80 percent. In such cases, the provider will receive the sum of the APL payment and the additional payment for such high cost devices or drugs.
- D) For county-owned hospitals located in an Illinois county with a population greater than three million, reimbursement rates for each of the reimbursement groups shall be specified by the Department. However, such rates shall be no lower than the rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two



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most recent annual Medicaid cost reports. The per diem cost of inpatient hospital services is calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

- E) Reimbursement rates for hospitals not required to file an annual cost report with the Department may be lower than those listed above.

F) Reimbursement for each APL group described in this subsection (b) shall be all-inclusive for all services provided by the hospital, regardless of the amount charged by a hospital. No separate reimbursement will be made for ancillary services or services of hospital personnel. Exceptions to this provision are that hospitals shall be allowed to bill separately, on a fee-for-service basis, for professional outpatient services of a physician providing direct patient care who is salaried by the hospital, and occupational or speech therapy services provided in conjunction with rehabilitation services as described in subsection (b)(1)(F) of this Section. For the purposes of this Section, a salaried physician is a physician who is salaried by the hospital; a physician who is reimbursed by the hospital through a contractual arrangement to provide direct patient care; or a group of physicians with a financial contract to provide emergency department care. Under APL reimbursement, salaried physicians do not include radiologists, pathologists, nurse practitioners, or certified registered nurse anesthetists and no separate reimbursement will be allowed for such providers.

- 3) The assignment of procedure codes to each of the reimbursement groups in subsection (b)(1) of this Section are detailed in the Department's Hospital Handbook and in notices to providers.

4) A one-time fiscal year 2000 payment will be made to hospitals. Payment will be based upon the services specified below, provided on or after July 1, 1998, and before July 1, 1999, which were submitted to the Department and determined eligible for payment (adjudicated) by the Department on or prior to April 30, 2000, excluding services for Medicare/Medicaid crossover claims and claims which resulted in a zero payment by the Department. A one-time amount of:

- A) \$27.75 will be paid for each services for procedure code W7183.
- B) \$24.00 will be paid for each service for APL Group 5, a Psychiatric clinic Type A) provided by a children's hospital as defined in 89 Ill. Adm. Code 149.50(c)(3)(A).
- C) \$15.00 will be paid for each service for APL Group 6, b (Physical rehabilitation services) provided by a children's hospital as defined in 89 Ill. Adm. Code 149.50(c)(3)(A).

5) County Facility Outpatient Adjustment

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A) Effective for services provided on or after July 1, 1995, county owned hospitals in an Illinois county with a population of over three million shall be eligible for a county facility outpatient adjustment payment. This adjustment payment shall be in addition to the amounts calculated under this Section and are calculated as follows:

- i) Beginning with July 1, 1995, hospitals under this subsection shall receive an annual adjustment payment equal to total base year hospital outpatient costs trended forward to the rate year minus total estimated rate year hospital outpatient payments, multiplied by the resulting ratio derived when the value 200 is divided by the quotient of the difference between total base year hospital outpatient costs trended forward to the rate year and total estimated rate year hospital outpatient payments divided by one million.

ii) The county facility outpatient adjustment under this subsection shall be made on a quarterly basis.

- B) County Facility Outpatient Adjustment Definition. The definitions of terms used with reference to calculation of the county facility outpatient adjustment are as follows:

- i) "Base Year" means the most recently completed State fiscal year.
- ii) "Rate Year" means the State fiscal year during which the county facility adjustment payments are made.
- iii) "Total Estimated Rate Year Hospital Outpatient Payments" means the Department's total estimated outpatient date of service liability, projected for the upcoming rate year.
- iv) "Total Hospital Outpatient Costs" means the statewide sum of all hospital outpatient costs derived by summing each hospital's outpatient charges derived from actual paid claims data multiplied by the hospital's cost-to-charge ratio.

#### 6) No Year-End Reconciliation

With the exception of the retrospective rate adjustment described in subsection (b)(8) ¶¶777 of this Section, no year-end reconciliation is made to the reimbursement rates calculated under this subsection (b).

#### 7) Rate Adjustments

With respect to those hospitals described in Section 149.25(b)(2)(A), the reimbursement rates described in subsection (b)(5) ¶¶744 of this Section shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as follows:

- A) The reimbursement rates described in subsection (b)(5) ¶¶744 of this Section shall be no less than the reimbursement rates in effect on June 1, 1992, except that

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this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports.

- B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

8)†† Services are available to all clients in geographic areas in which an encounter rate hospital or a county-operated outpatient facility is located. All specific client coverage policies (relating to client eligibility and scope of services available to those clients) which pertain to the service billed are applicable to hospitals reimbursed under the Ambulatory Care Program in the same manner as to encounter rate hospitals and to non-hospital and hospital providers who bill and receive reimbursement on a fee-for-service basis.

9)†† Hospitals described in Section 148.25(b)(2)(A) and (b)(2)(B) shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year.

- c) Payment for outpatient end-stage renal disease treatment (ESRD†) services provided pursuant to Section 148.40(c) shall be made at the Department's payment rates, as follows:

- 1) For inpatient hospital services provided pursuant to Section 148.40(c)(1), the Department shall reimburse hospitals pursuant to Sections 148.240 through 148.300 and 89 Ill. Adm. Code 149.
- 2) For outpatient services or home dialysis treatments provided pursuant to Section 148.40(c)(2) or (c)(3), the Department will reimburse hospitals and clinics for ESRD† services at a rate which will reimburse the provider for the dialysis treatment and all related supplies and equipment, as defined in 42 CFR 405.165 (1994). This rate will be that rate established by Medicare pursuant to 42 CFR 405.2124 and 413.170 (1994).
- 3) Payment for non-routine services. For services which are provided during outpatient or home dialysis treatment pursuant to Section 148.40(c)(3) but are not defined as a routine service under 42 CFR 405.2163 (1994), separate payment will be made to independent laboratories, pharmacies, and medical supply providers pursuant to 89 Ill. Adm. Code 140.430 through 140.434, 140.440 through 140.450, and 140.475 through 140.481, respectively.
- 4) Payment for physician services relating to ESRD† will be made separately to physicians, pursuant to 89 Ill. Adm. Code 140.400.
- 5) With respect to those hospitals described in Section 148.25(b)(2)(A), the reimbursement rates described in this subsection (c) shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as follows:
  - A) The reimbursement rates described in this subsection (c)

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shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports.

- B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.
- 6) With the exception of the retrospective rate adjustment described in subsection (c)(5) of this Section, no year-end reconciliation is made to the reimbursement rates calculated under this subsection (c).

7) Hospitals described in Section 148.25(b)(2)(A) and (b)(2)(B) of this Section shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year.

- d) Non Hospital-Based Clinic Reimbursement

1) County-Operated Outpatient Facility Reimbursement  
Reimbursement for all services provided by county-operated outpatient facilities, as described in Section 148.25(b)(2)(C), that do not qualify as either a Maternal and Child Health Program managed care clinics, as described in 89 Ill. Adm. Code 140.461(f), or as a Critical Clinic Provider, as described in subsection (e) of this Section, shall be on an all-inclusive per encounter rate basis as follows:

- A) Base Rate. The per encounter base rate shall be calculated as follows:

- i) Allowable direct costs shall be divided by the number of direct encounters to determine an allowable cost per encounter delivered by direct staff.
- ii) The resulting quotient, as calculated in subsection (d)(1)(A)(i) of this Section, shall be multiplied by the Medicare allowable overhead rate factor to calculate the overhead cost per encounter.
- iii) The resulting product, as calculated in subsection (d)(1)(A)(ii) of this Section, shall be added to the resulting quotient, as calculated in subsection (d)(1)(A)(i) of this Section to determine the per encounter base rate.
- iv) The resulting sum, as calculated in subsection (d)(1)(A)(iii) of this Section, shall be the per encounter base rate.

- B) Supplemental Rate

- i) The supplemental service cost shall be divided by the total number of direct staff encounters to determine the direct supplemental service cost per encounter.
- ii) The supplemental service cost shall be multiplied by

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the allowable overhead rate factor to calculate the supplemental overhead cost per encounter.

- iii) The quotient derived in subsection (d)(1)(B)(i) of this Section, shall be added to the product derived in subsection (d)(1)(B)(ii) of this Section, to determine the per encounter supplemental rate.

- iv) The resulting sum, as described in subsection (d)(1)(B)(iii) of this Section, shall be the per encounter supplemental rate.

## C) Final Rate

- i) The per encounter base rate, as described in subsection (d)(1)(A)(iv) of this Section, shall be added to the per encounter supplemental rate, as described in subsection (d)(1)(B)(iv) of this Section, to determine the per encounter final rate.

- ii) The resulting sum, as determined in subsection (d)(1)(C)(i) of this Section, shall be the per encounter final rate.

- iii) The per encounter final rate, as described in subsection (d)(1)(C)(ii) of this Section, shall be adjusted in accordance with subsection (d)(2) of this Section.

## 2) Rate Adjustments

Rate adjustments to the per encounter final rate, as described in subsection (d)(1)(C)(iii) of this Section, shall be calculated as follows:

- A) The reimbursement rates described in subsections (d)(1)(A) through (d)(1)(C) and (e)(2) of this Section shall be no less than the reimbursement rates in effect on June 1, 1997, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports. The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.
- B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.
- C) The final rate described in subsection (d)(1)(C) of this Section shall be no less than \$147.09 per encounter.
- 3) County-operated outpatient facilities, as described in Section 148.25(b)(2)(C), shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year. No year-end reconciliation is made to the reimbursement calculated under this subsection (d). Services are available to all clients in geographic areas in which an encounter rate hospital or a county-operated outpatient

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facility is located. All specific client coverage policies (relating to client eligibility and scope of services available to those clients) which pertain to the service billed are applicable to encounter rate hospitals in the same manner as to hospitals reimbursed under the Ambulatory Care Program and to non-hospital and hospital providers who bill and receive reimbursement on a fee-for-service basis.

## e) Critical Clinic Providers

- 1) Effective for services provided on or after September 27, 1997, a clinic owned or operated by a county with a population of over three million, that is within or adjacent to a hospital, shall qualify as a Critical Clinic Provider if the facility meets the efficiency standards established by the Department. The Department's efficiency standards under this subsection (e) require that the quotient of total encounters per facility fiscal year for the Critical Clinic Provider divided by total full time equivalent physicians providing services at the Critical Clinic Provider shall be greater than:
  - A) 2700 for reimbursement provided during the facility's cost reporting year ending during 1998,
  - B) 2900 for reimbursement provided during the facility's cost reporting year ending during 1999,
  - C) 3100 for reimbursement provided during the facility's cost reporting year ending during 2000,
  - D) 3600 for reimbursement provided during the facility's cost reporting year ending during 2001, and
  - E) 4200 for reimbursement provided during the facility's cost reporting year ending during 2002.

- 2) Reimbursement for all services provided by any Critical Clinic Provider shall be on an all-inclusive per-encounter rate which shall equal reported direct costs of Critical Clinic Providers for each facility's cost reporting period ending in 1995, and available to the Department as of September 1, 1997, divided by the number of Medicaid services provided during that cost reporting period as adjudicated by the Department through July 31, 1997.

- 3) Critical Clinic Providers, as described in this subsection (e), shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year. No year-end reconciliation is made to the reimbursement calculated under this subsection (e).

- 4) The reimbursement rates described in this subsection (e) shall be no less than the reimbursement rates in effect on July 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports. The per diem cost of inpatient hospital services shall be calculated by dividing the

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total allowable Medicaid costs by the total allowable Medicaid days.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. **10386**, effective July 1, 2000, for a maximum of 150 days)

**Section 148.295 Critical Hospital Adjustment Payments (CHAP)****EMERGENCY**

Critical Hospital Adjustment Payments (CHAP) shall be made to all eligible hospitals excluding county-owned hospitals, as described in Section 148.25 (b)(1)(A), unless otherwise noted in this Section, and hospitals organized under the University of Illinois Hospital Act, as described in Section 148.25(b)(1)(B), for inpatient admissions occurring on or after July 1, 1998, in accordance with this Section.

## a) Trauma Center Adjustments (TCA)

The Department shall make a trauma center adjustment (TCA) to Illinois hospitals recognized, as of the first day of July in the CHAP rate period, as a Level I or Level II trauma center by the Illinois Department of Public Health (IDPH) in accordance with the provisions of subsections (a)(1) through (a)(3) below.

## 1) Level I Trauma Center Adjustment (TCA).

a) Criteria. Illinois hospitals that, on the first day of July in the CHAP rate period, are recognized as a Level I trauma center by the Illinois Department of Public Health shall receive the Level I trauma center adjustment.

b) Adjustment. Illinois hospitals meeting the criteria specified in subsection (a)(1)(A) above shall receive an adjustment as follows:

i) Hospitals with Medicaid trauma admissions equal to or greater than the mean Medicaid trauma admissions, for all hospitals qualifying under subsection (a)(1)(A) above, shall receive an adjustment of \$21,365 per Medicaid trauma admission in the CHAP base period.

ii) Hospitals with Medicaid trauma admissions less than the mean Medicaid trauma admissions, for all hospitals qualifying under subsection (a)(1)(A) above, shall receive an adjustment of \$14,165 per Medicaid trauma admission in the CHAP base period.

2) Level II Rural Trauma Center Adjustment (TCA). Illinois rural hospitals, as defined in Section 148.25(g)(3), that, on the first day of July in the CHAP rate period, are recognized as a Level II trauma center by the Illinois Department of Public Health shall receive an adjustment of \$11,565 per Medicaid trauma admission in the CHAP base period.

3) Level II Urban Trauma Center Adjustment (TCA). Illinois urban hospitals, as described in Section 148.25(g)(4), that, on the first day of July in the CHAP rate period, are recognized as

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Level II trauma centers by the Illinois Department of Public Health shall receive an adjustment of \$11,565 per Medicaid trauma admission in the CHAP base period, provided that such hospital meets the criteria described below:

A) The hospital is located in a county with no Level I trauma center; and

B) The hospital is located in a Health Professional Shortage Area (HPSA) (42 CFR 5), as of the first day of July in the CHAP rate period, and has a Medicaid trauma admission percentage at or above the mean of the individual facility values determined in subsection (a)(3)(A) above; or the hospital is not located in a HPSA (42 CFR 5) and has a Medicaid trauma admission percentage that is at least the mean plus one standard deviation of the individual facility values determined in subsection (a)(3)(A) above.

## b) Rehabilitation Hospital Adjustment (RHA)

Illinois hospitals that, on the first day of July in the CHAP rate period, qualify as rehabilitation hospitals, as defined in 89 Ill. Adm. Code 149.50(c)(2), and that are accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF), shall receive a rehabilitation hospital adjustment in the CHAP rate period that consists of the following three components:

1) Treatment Component. All hospitals defined in subsection (b) above shall receive \$4,595 per Medicaid Level I rehabilitation admission in the CHAP base period.

2) Facility Component. All hospitals defined in subsection (b) above shall receive a facility component that shall be based upon the number of Medicaid Level I rehabilitation admissions in the CHAP base period as follows:

A) Hospitals with fewer than 60 Medicaid Level I rehabilitation admissions in the CHAP base period shall receive a facility component of \$250,000 in the CHAP rate period.

B) Hospitals with 60 or more Medicaid Level I rehabilitation admissions in the CHAP base period shall receive a facility component of \$575,000 in the CHAP rate period.

3) Health Professional Shortage Area Adjustment Component. Hospitals defined in subsection (b) above, that are located in a Health Professional Shortage Area (HPSA) (42 CFR 5) as of the first day of July in the CHAP rate period, shall receive \$300 per Medicaid Level I rehabilitation inpatient day in the CHAP base period.

## c) Direct Hospital Adjustment (DHA) Criteria

To qualify for the DHA under this subsection (c), hospitals must meet one of the following criteria.

1) Be an Illinois hospital located outside of Health Service Area (HSA) six that meets one of the following criteria:

A) Has a Medicaid inpatient utilization rate on the last day of June preceding the CHAP rate period, as defined in Section



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148.120(k)(5), greater than 60 percent and has an average length of stay of less than ten days.

B) Is a major teaching hospital with 35 or more graduate medical education programs accredited by the American Accreditation Council for Graduate Medical Education, the American Osteopathic Association Division of Post-doctoral Training, or the American Dental Association Joint Commission on Dental Accreditation.

2) Be a hospital located in HSA six, excluding psychiatric and rehabilitation hospitals as defined in 89 Ill. Adm. Code 149-50(c)(1) and (c)(2), that meets one of the following criteria:

A) Is a hospital whose sum of the critical weighting factors is greater than one standard deviation above the mean of the summed critical weighting factors for all hospitals located within the same planning area. The critical weighting factor is determined as follows:

i) Hospitals that, on the last day of June preceding the CHAP rate period, are designated as a Level III, II, or I Perinatal Center by the Illinois Department of Public Health shall receive a critical weighting factor of 10, 7.5, or 5 respectively depending on the hospital's perinatal level designation.

ii) Hospitals that, on the last day of June preceding the CHAP rate period, are recognized as a Level I or II Trauma Center by the Illinois Department of Public Health shall receive a critical weighting factor of ten or five respectively depending on the hospital's trauma level designation.

iii) Hospitals that, on the last day of June preceding the CHAP rate period, are eligible for disproportionate share payments as described in Section 148.120(g)(1) or (g)(2) shall receive a critical weighting factor of five.

iv) Hospitals that have an occupancy ratio, as determined by the Illinois Department of Public Health (IDPH), based upon the most current IDPH published report entitled "Bed Count, Average Length of Stay, Average Daily Census and Percent Occupancy for Non-Federal Hospitals in Illinois", which is available to the Illinois Department of Public Aid on the last day of June preceding the CHAP rate period, which is equal to or greater than the mean occupancy ratio for all hospitals in the planning area shall receive a critical weighting factor of five.

v) Hospitals that have Medicaid obstetrical care admissions in the CHAP base period and are equal to or greater than one-half a standard deviation above the

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mean Medicaid obstetrical care admissions in their planning area shall receive a critical weighting factor of ten. If the hospital's Medicaid obstetrical care admissions are greater than the mean but less than one-half a standard deviation above the mean Medicaid obstetrical care admissions in their planning area, the hospital shall receive a critical weighting factor of five.

vi) Hospitals that on the last day of June preceding the CHAP rate period have a Medicaid inpatient utilization rate as defined in Section 148.120(k)(5) which is equal to or greater than one-half a standard deviation above the mean Medicaid inpatient utilization rate in their planning area, shall receive a critical weighting factor of ten. If the hospital's Medicaid inpatient utilization rate is greater than the mean but less than one-half a standard deviation above the mean Medicaid inpatient utilization rate in their planning area, the hospital shall receive a critical weighting factor of five.

vii) Hospitals that have Medicaid general care admissions in the CHAP base period and are equal to or greater than one-half a standard deviation above the mean Medicaid general care admissions in their planning area shall receive a critical weighting factor of ten. If the hospital's Medicaid general care admissions are greater than the mean but less than one-half a standard deviation above the mean Medicaid general care admissions in their planning area, the hospital shall receive a critical weighting factor of five.

viii) Hospitals which have a cost per day at 80 percent occupancy that is less than or equal to one-half a standard deviation below the mean cost per day at 80 percent occupancy in their planning area shall receive a critical weighting factor of ten. If the hospital's cost per day at 80 percent occupancy is greater than one-half a standard deviation below the mean cost per day at 80 percent occupancy but less than the mean cost per day at 80 percent occupancy in their planning area, the hospital shall receive a critical weighting factor of five.

B) Is a major teaching hospital with 40 or more graduate medical education programs accredited by the American Accreditation Council for Graduate Medical Education, the American Osteopathic Association Division of Post-doctoral Training, or the American Dental Association Joint Commission on Dental Accreditation.

C) Is a hospital with 3,200 or more total Medicaid admissions

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- in the CHAP base period.
- 3) Be a hospital qualifying under subsection (c)(2) above that has the highest number of Medicaid obstetrical care admissions in the CHAP base period.
  - 4) Be a hospital qualifying under subsection (c)(2) above that on the last day of June preceding the CHAP rate period, is designated as a Level III or II Perinatal Center by the Illinois Department of Public Health, and that has a Medicaid inpatient utilization rate, as defined in Section 148.120(k)(5), which is greater than one-half a standard deviation above the statewide mean Medicaid inpatient utilization rate, as defined in Section 148.120(k)(3), and that has at least one obstetrical graduate medical education program accredited by the American Accreditation Council for Graduate Medical Education, the American Osteopathic Association Division of Post-Doctoral Training, or the American Dental Association Joint Commission on Dental Accreditation.
  - 5) Be a children's hospital, which means a hospital devoted exclusively to caring for children. A hospital which includes a facility devoted exclusively to caring for children that is separately licensed as a hospital by a municipality shall be considered a children's hospital to the degree that the hospital's Medicaid care is provided to children.

## d) DHA Adjustment

Calculation of the DHA is as follows:

- 1) Hospitals qualifying under subsection (c)(1)(A) above shall receive a DHA of \$60 multiplied by the DHA Medicaid days in the CHAP base period.
- 2) Hospitals qualifying under subsection (c)(1)(B), (c)(2) or (c)(5) above shall receive a DHA of \$30 multiplied by the DHA Medicaid days in the CHAP base period.
- 3) Hospitals qualifying under subsection (c)(5) above which have a Medicaid inpatient utilization rate, as defined in Section 148.120(k)(5), on the last day of June preceding the CHAP rate period, that is greater than 85 percent shall receive an additional \$20 multiplied by the DHA Medicaid days in the CHAP base period.
- 4) Hospitals qualifying under subsection (c)(2)(B) above shall receive an additional \$10 multiplied by the DHA Medicaid days in the CHAP base period.
- 5) Hospitals qualifying under subsections (c)(2)(A) and (c)(2)(B) of this Section will receive an additional \$20 multiplied by DHA Medicaid days in the CHAP base period.
- 6) Hospitals qualifying under subsection (c)(3) or (c)(4) above shall receive an additional \$120 multiplied by the DHA Medicaid days in the CHAP base period if their Medicaid inpatient utilization rate, as defined in Section 148.120(k)(5), on the last day of June preceding the CHAP rate period, is equal to or

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greater than 50 percent; or \$65 multiplied by the DHA Medicaid days in the CHAP base period if their Medicaid inpatient utilization rate, as defined in Section 148.120(k)(5), on the last day of June preceding the CHAP rate period, is less than 50 percent.

- 7) Payments calculated according to the methodology in this subsection (d) shall end on September 30, 1999.

## e) Direct Hospital Adjustment (DHA) Criteria

- 1) Qualifying Criteria  
Hospitals may qualify for the DHA under this subsection (e) under the following categories:
  - A) Except for hospitals operated by the University of Illinois, children's hospitals, psychiatric hospitals, rehabilitation hospitals and long term stay hospitals, all other hospitals located in Health Service Area (HSA) 6 that either:
    - i) were eligible for Direct Hospital Adjustments under the CHAP program as of July 1, 1999, and had a Medicaid inpatient utilization rate (MIUR) equal to or greater than the Statewide mean in Illinois on July 1, 1999;
    - ii) were eligible under the Supplemental Critical Hospital Adjustment Payment (SCHAP) program as of July 1, 1999, and had a MIUR equal to or greater than the Statewide mean in Illinois on July 1, 1999; or
    - iii) were county owned hospitals as defined in 89 Ill. Adm. Code 148.25(b)(1)(A), and had a MIUR equal to or greater than the Statewide mean in Illinois on July 1, 1999.

- B) Hospitals located outside of HSA 6 that had a MIUR greater than 60 percent on July 1, 1999, and an average length of stay less than ten days. The following hospitals are excluded from qualifying under this subsection (e)(1)(B): children's hospitals; psychiatric hospitals; rehabilitation hospitals; and long term stay hospitals.

- C) Children's hospitals, as defined under Section 149.50(c)(3), on July 1, 1999.

- D) Teaching hospitals with more than 40 graduate medical education programs, on July 1, 1999, not qualifying in subsections (e)(1)(A), (B), or (C) above.

- E) Except for hospitals operated by the University of Illinois, children's hospitals, psychiatric hospitals, rehabilitation hospitals, long term stay hospitals and hospitals qualifying in subsections (e)(1)(A), (B), (C) or (D) of this Section, all other hospitals that had a MIUR equal to or greater than the mean plus one-half standard deviation on July 1, 1999, and provided more than 15,000 Total days.

## 2) DHA Rates

- A) For hospitals qualifying under subsection (e)(1)(A) above,

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the DEA rates are as follows:

- i) Hospitals that have a Combined MIUR that is equal to or greater than the Statewide mean Combined MIUR, but less than one standard deviation above the Statewide mean Combined MIUR, will receive \$28--per-day-for hospitals--that--do--provide--obstetrical--care--and \$115 per day for--hospitals--that--do--provide--obstetrical--care.
- ii) Hospital that have a Combined MIUR that is equal to or greater than one standard deviation above the Statewide mean Combined MIUR, but less than one and one-half standard deviation above the Statewide mean Combined MIUR, will receive \$49--per-day-for--hospitals--that--do--provide--obstetrical--care--and \$155 per day for--hospitals--that--do--provide--obstetrical--care.
- iii) Hospitals that have a Combined MIUR that is equal to or greater than one and one-half standard deviation above the Statewide mean Combined MIUR, but less than two standard deviations above the Statewide mean Combined MIUR, will receive \$89--per-day-for--hospitals--that--do--provide--obstetrical--care--and \$175 per day for--hospitals--that--do--provide--obstetrical--care.
- iv) Hospitals that have a Combined MIUR that is equal to or greater than two standard deviations above the Statewide mean Combined MIUR will receive \$109--per-day-for--hospitals--that--do--provide--obstetrical--care--and \$195 per day for--hospitals--that--do--provide--obstetrical--care.
- B) Hospitals qualifying under subsection (e)(1)(A) above, will also receive the following rates:
  - i) Hospitals with more than 30,000 Total days will have their rate increased by \$455 \$245 per day.
  - ii) Hospitals with more than 80,000 Total days will have their rate increased by an additional \$410 per day.
  - iii) Hospitals with more than 4,500 Obstetrical days will have their rate increased by \$110 per day.
  - iv) Hospitals with more than 5,500 Obstetrical days will have their rate increased by an additional \$185 \$375 per day.
  - v) Hospitals with an MIUR rate greater than 74 percent will have their rate increased by \$160 per day.
  - vi) Hospitals with an average length of stay less than 3.9 days will have their rate increased by \$45 per day.
- C) Hospitals qualifying under subsection (e)(1)(B) above will receive the following rates:
  - i) Qualifying hospitals will receive a rate of \$330 per day.
  - ii) Qualifying hospitals with the more than 1,500

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Obstetrical days will have their rate increased by \$245 per day.

- D) Hospitals qualifying under subsection (e)(1)(C) above will receive the following rates:
  - i) Hospitals will receive a rate of \$30 per day.
  - ii) Hospitals located in Illinois and outside of HSA 6, that have a Medicaid inpatient utilization rate greater than 60 percent, will have their rate increased by \$60 per day.
  - iii) Hospitals located in Illinois and inside HSA 6, that have a Medicaid inpatient utilization rate greater than 80 percent, will have their rate increased by \$325 \$310 per day.
  - iv) Hospitals that not located in Illinois that have a Medicaid inpatient utilization rate greater than 45 percent will have their rate increased by \$35 per day.
  - v) Hospitals with more than 3,200 Total admissions will have their rate increased by \$173 \$125 per day.
- E) Hospitals qualifying under subsection (e)(1)(D) of this Section will receive the following rates:
  - i) Hospitals will receive a rate of \$45 per day.
  - ii) Hospitals with a MIUR between 18 percent and 19.75 percent will have their rate increased by an additional \$15 per day.
  - iii) Hospitals with a MIUR equal to or greater than 19.75 percent will have their rate increased by an additional \$50 per day.
- F) Hospitals qualifying under subsection (e)(1)(E) of this Section will receive \$25 per day.
- G) Hospitals that qualify under subsection (e)(1)(A)(iii) of this Section will have their rates multiplied by a factor of two.
  - 3) DEA Payments
    - A) Payments under this subsection (e) will be made at least quarterly, beginning with the quarter ending December 31, 1999.
    - B) Payment rates will be multiplied by the Total days.
    - C) Total Payment Adjustments
      - i) For the CHAP rate period occurring in State fiscal year 2000, total payments will equal the methodologies described above, less the amount the hospital received under DEA and SCHAP for the quarter beginning July 1, 1999. For hospitals not qualifying for CHAP, DEA and SCHAP payments for the quarter ending September 30, 1999, total payments will equal the methodologies described above.
      - ii) For CHAP rate periods occurring after State fiscal year 2000, total payments will equal the methodologies

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described above.

- f) Rural Critical Hospital Adjustment Payments (RCHAP)  
Rural Critical Hospital Adjustment Payments (RCHAP) shall be made to rural hospitals, as described in 89 Ill. Adm. Code 140.80(j)(1), for certain inpatient admissions. The hospital qualifying under this subsection that has the highest number of Medicaid obstetrical care admissions during the CHAP base period shall receive \$400,000 per year. The Department shall also make a RCHAP adjustment payment to hospitals qualifying under this subsection at a rate that is the greater of:
  - 1) the product of \$1,490 multiplied by the number of RCHAP Obstetrical Care Admissions in the CHAP base period, or
  - 2) the product of \$150 multiplied by the number of RCHAP General Care Admissions in the CHAP base period.
- g) Each eligible hospital's critical hospital adjustment payment for the CHAP rate period shall equal the sum of the amounts described in subsections (a), (b), (d) and (f) above. The critical hospital adjustment payments shall be paid to eligible hospitals on a quarterly basis.
- h) Critical Hospital Adjustment Limitations  
Hospitals that qualify for trauma center adjustments under subsection (a) shall not be eligible for the total trauma center adjustment if, during the CHAP rate period, the hospital is no longer recognized by the Illinois Department of Public Health as a Level I trauma center as required for the adjustment described in subsection (a)(1) above, or a Level II trauma center as required for the adjustment described in subsection (a)(2) or (a)(3) above. In these instances, the adjustments calculated shall be pro-rated, as applicable, based upon the date that such recognition ceased.
  - i) In order to maintain critical hospital access, the Department shall make an additional one time CHAP payment in fiscal year 1999 to hospitals that meet one of the following:
    - 1) A hospital located in HSA six, with a sum critical weighting factor equal to or greater than 37.5 that has an MWR as defined in Section 148.120(k)(5) that is equal to or greater than 60 percent. Such a hospital shall receive \$10.50 multiplied by the DMA Medicaid days in the CHAP base period.
    - 2) A hospital qualifying under subsection (c)(1)(A) of this Section with the highest number of Medicaid obstetrical care admissions in the CHAP base period. Such a hospital shall receive \$59 multiplied by the DMA Medicaid days in the CHAP base period.
  - j) Critical Hospital Adjustment Payment Definitions  
The definitions of terms used with reference to calculation of the CHAP required by this Section are as follows:
    - 1) "CHAP base period" means State Fiscal Year 1994 for CHAP payments calculated for the July 1, 1995, CHAP rate period; State Fiscal Year 1995 for CHAP payments calculated for the July 1, 1996, CHAP rate period; etc.

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- 2) "CHAP rate period" means, beginning July 1, 1995, the 12 month period beginning on July 1 of the year and ending June 30 of the following year.
- 3) "Combined MWR" means the sum of Medicaid Inpatient Utilization Rate (MWR) as of July 1, 1999, and as defined in Section 148.120(k)(5), plus the Medicaid obstetrical inpatient utilization rate as described in Section 148.120(k)(6).
- 4) "Cost per day at 80 percent occupancy" means the estimated inpatient cost per day had the hospital been operating at an 80 percent occupancy rate.
- 5) "Medicaid general care admission" means hospital inpatient admissions which were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of the Social Security Act, excluding admissions for normal newborns, Medicare/Medicaid crossover admissions, psychiatric and rehabilitation admissions.
- 6) "Medicaid inpatient day" means hospital inpatient days which were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of the Social Security Act, excluding days for normal newborns and Medicare/Medicaid crossover days.
- 7) "Medicaid Level I rehabilitation admissions" means those claims billed as Level I admissions which were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, with an occurrence code of 63 when applicable and an ICD-9-CM principal diagnosis code of: 054.3, 310.1 through 310.2, 320.1, 336.0 through 336.9, 344.0 through 344.2, 344.8 through 344.9, 348.1, 801.30, 803.10, 803.84, 806.0 through 806.19, 806.20 through 806.24, 806.26, 806.29 through 806.34, 806.36, 806.4 through 806.5, 851.06, 851.80, 853.05, 854.0 through 854.04, 854.06, 854.1 through 854.14, 854.16, 854.19, 905.0, 907.0, 907.2, 932.0 through 932.09, 952.10 through 932.16, 932.2, and V57.0 through V57.89, excluding admissions for normal newborns.
- 8) "Medicaid Level I rehabilitation inpatient day" means the days associated with the claims defined in subsection (j)(7) above.
- 9) "Medicaid obstetrical care admission" means hospital inpatient admissions which were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of the Social Security Act, with an ICD-9-CM principal diagnosis code of 640.0 through 648.9 with a 5th digit of 1 or 2; 650; 651.0 through 659.9 with a 5th digit of 1, 2, 3, or 4; 660.0 through 669.9 with



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a 5th digit of 1, 2, 3, or 4; 670.0 through 676.9 with a 5th digit of 1 or 2; or V27 through V27.9; or V30 through V39.9; or any ICD-9-CM principal diagnosis code that is accompanied with a surgery procedure code between 72 and 75.99; and specifically excludes Medicare/Medicaid crossover claims.

10) "Medicaid psychiatric days", as used in subsection (j)(21) below, means hospital inpatient days for the Supplemental CHAP base that are billed to the Department with a category of service 21.

11) "Medicaid rehabilitation days" as used in subsection (j)(21) below, means hospital inpatient days for the Supplemental CHAP base that are billed to the Department with a category of service 22.

12) "Medicaid trauma admission" means those claims billed as admissions which were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, with an ICD-9-CM principal diagnosis code of: 800.0 through 800.99, 801.0 through 801.99, 802.0 through 802.99, 803.0 through 803.99, 804.0 through 804.99, 805.0 through 805.99, 806.0 through 806.99, 807.0 through 807.99, 808.0 through 808.99, 809.0 through 809.99, 828.0 through 828.1, 839.0 through 839.3, 839.7 through 839.9, 850.0 through 850.9, 851.0 through 851.99, 852.0 through 852.99, 853.0 through 853.19, 854.0 through 854.19, 860.0 through 860.9, 861.0 through 861.32, 862.8, 863.0 through 863.99, 864.0 through 864.19, 865.0 through 865.19, 866.0 through 866.13, 867.0 through 867.9, 868.0 through 868.19, 869.0 through 869.1, 887.0 through 887.7, 896.0 through 896.3, 897.0 through 897.7, 900.0 through 900.9, 902.0 through 904.9, 925, 926.8, 929.0 through 929.9, 958.4, 958.5, 990 through 994.99. For those hospitals recognized as Level I trauma centers solely for pediatric trauma cases Medicaid trauma admissions are only calculated for the Claims billed as admissions, excluding admissions for normal newborns, which were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, with ICD-9-CM diagnoses within the above ranges for children under the age of 18 excluding admissions for normal newborns.

13) "Medicaid trauma admission percentage" means a fraction, the numerator of which is the hospital's Medicaid trauma admissions and the denominator of which is the total Medicaid trauma admissions in a given 12 month period for all Level II urban trauma centers.

14) "RCHAP general care admission" means Medicaid General Care Admissions, as defined in subsection (j)(5) above, less RCHAP Obstetrical Care Admissions, occurring in the CHAP base period.

15) "RCHAP obstetrical care admissions" means Medicaid General Care Admissions, as defined in subsection (j)(5) above, with a Diagnosis Related Group (DRG) of 370 through 375, occurring in

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the CHAP base period.

16) "Total admissions" means total paid admission contained in the Department's paid claims database, including obstetrical admissions multiplied by two and excluding Medicare crossover admissions, for dates of service occurring in State fiscal year 1998 and adjudicated through June 30, 1999.

17) "Total days" means total paid days contained in the Department's paid claims database, including obstetrical days multiplied by two and excluding Medicare crossover days, for dates of service occurring in State fiscal year 1998 and adjudicated through June 30, 1999.

18) "Obstetrical days" means hospital inpatient days for dates of service occurring in State fiscal year 1998 and adjudicated through June 30, 1999, with an ICD-9-CM principal diagnosis code of 640.0 through 648.9 with a 5th digit of 1 or 2; 650; 651.0 through 659.9 with a 5th digit of 1, 2, 3, or 4; 660.0 through 669.9 with a 5th digit of 1, 2, 3, or 4; 670.0 through 676.9 with a 5th digit of 1 or 2; V27 through V27.9; V30 through V39.9; or any ICD-9-CM principal diagnosis code that is accompanied with a surgery procedure code between 72 and 75.99; and specifically excludes Medicare/Medicaid crossover claims.

19) "Total Medicaid admissions" means hospital inpatient admissions for the CHAP base period for recipients of medical assistance under Title XIX of the Social Security Act, excluding admissions for normal newborns and Medicare/Medicaid crossover admissions.

20) "Total Medicaid days" means hospital inpatient days for the CHAP base period for recipients of medical assistance under Title XIX of the Social Security Act, excluding days for normal newborns and Medicare/Medicaid crossover admissions.

21) "DMA Medicaid days" means total Medicaid days that include Medicaid psychiatric days and Medicaid rehabilitation days for the CHAP base period multiplied by a factor of two.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 1038, effective July 1, 2000, for a maximum of 150 days)

## Section 148.310 Review Procedure

EMERGENCY

a) Inpatient Rate Reviews

1) Hospitals shall be notified of their inpatient rate for the rate year and shall have an opportunity to request a review of the rate for errors in calculation. Such a request must be received in writing by the Department within 30 days after the date of the Department's notice to the hospital of their rates. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

- 2) Hospitals reimbursed in accordance with Sections 148.250 through 148.300 and 89 Ill. Adm. Code 149 with respect to per diem add-ons for capital may request that an adjustment be made to their base year costs to reflect significant changes in costs which have been mandated in order to meet State, federal or local health and safety standards, and which have occurred since the hospital's filing of the base year cost report. The allowable Medicare/Medicaid costs must be identified from the most recent audited cost report available. These costs must be significant, i.e., on a per unit basis, they must constitute one percent or more of the total allowable Medicaid/Medicare unit costs for the same time period. Appeals for base year cost adjustments must be received, in writing, by the Department within 30 days after the date of the Department's notice to the hospital of their change. Such request shall include a clear explanation of the cost change and documentation of the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.
- b) DSH Determination Reviews
- 1) Hospitals shall be notified of their qualification for DSH payment adjustments and shall have an opportunity to request a review of the DSH add-on for errors in calculation. Such a request must be received in writing by the Department within 30 days after the date of the Department's notice to the hospital of its disproportionate share qualification and add-on calculations. Such request shall include a clear explanation of the error and documentation of the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.
- 2) DSH Determination reviews shall be limited to the following:
- DSH Determination Criteria. The criteria for DSH determination shall be in accordance with Section 148.120. Review shall be limited to verification that the Department utilized criteria in accordance with State regulations.
  - Medicaid Inpatient Utilization Rates. Medicaid inpatient utilization rates shall be calculated pursuant to Section 148.120(k)(5). Review shall be limited to verification that Medicaid inpatient utilization rates were calculated in accordance with federal and State regulations.
  - Low Income Utilization Rates. Low income utilization rates shall be calculated in accordance with Section 1923 of the Social Security Act and Section 148.120(a)(2) and (d). Review shall be limited to verification that low income utilization rates were calculated in accordance with federal and State regulations.
  - Federally Designated Health Manpower Shortage Areas (HMSAs). Illinois hospitals located in federally designated HMSAs

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- shall be identified in accordance with 42 CFR 5, (1989), and Section 148.120(a)(3) based upon the methodologies utilized by, and the most current information available to the Department from the Department of Health and Human Services as of June 30, 1992. Review shall be limited to hospitals in locations that have failed to obtain designation as federally designated HMSAs only when such a request for review is accompanied by documentation from the Department of Health and Human Services substantiating that the hospital was located in a federally designated HMSA as of June 30, 1992.
- E) Excess Beds. Excess bed information shall be determined in accordance with Public Act 86-268 (Code Section 148.120(a)(3) and 77 Ill. Adm. Code 1100) based upon the methodologies utilized by, and the most current information available to the Illinois Health Facilities Planning Board as of July 1, 1991. Reviews shall be limited to requests accompanied by documentation from the Illinois Health Facilities Planning Board substantiating that the information supplied to and utilized by the Department was incorrect.
- F) Medicaid Obstetrical Inpatient Utilization Rates. Medicaid obstetrical inpatient utilization rates shall be calculated in accordance with Section 148.120(a)(4), (k)(4), (k)(6) and (k)(7). Review shall be limited to verification that Medicaid obstetrical inpatient utilization rates were calculated in accordance with State regulations.
- c) Outlier Adjustment Reviews
- The Department shall make outlier adjustments to payment amounts in accordance with 89 Ill. Adm. Code 149.105 of Section 148.130, whichever is applicable. Hospitals shall be notified of the specific information which shall be utilized in the determination of those services qualified for an outlier adjustment and shall have an opportunity to request a review of such specific information for errors in calculation only. Such a request must be received in writing by the Department within 30 days after the date of the Department's notice to the hospital of the specific information which shall be utilized in the determination of those services qualified for an outlier adjustment. Such request shall include a clear explanation of the error and documentation of the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.
- d) Cost Report Reviews
- Cost reports are required from:
  - All enrolled hospitals within the State of Illinois;
  - All out-of-state hospitals providing 100 inpatient days of service per hospital fiscal year, to persons covered by the Illinois Medical Assistance Program; and

## DEPARTMENT OF PUBLIC AID

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- C) All hospitals not located in Illinois that elect to be reimbursed under the methodology described in 89 Ill. Adm. Code 149 (the DRG PPS).
- 2) The completed cost statement with a copy of the hospital's Medicare cost report and audited financial statement must be submitted annually within 90 days of the close of the hospital's fiscal year. A one-time 30-day extension may be requested. Such request for an extension shall be in writing and shall be received by the Department's Office of Health Finance prior to the end of the 90-day filing period. The Office of Health Finance shall audit the information shown on the Hospital Statement of Reimbursable Cost and Support Schedules. The audit shall be made in accordance with generally accepted auditing standards and shall include tests of the accounting and statistical records and applicable auditing procedures. Hospitals shall be notified of the results of the final audited cost report which may contain adjustments and revisions which may have resulted from the audited Medicare Cost Report. Hospitals shall have the opportunity to request a review of the final audited cost report. Such a request must be received in writing by the Department within 45 days after the date of the Department's notice to the hospital of the results of the finalized audit. Such request shall include all items of documentation and analysis which support the request for review. No additional data shall be accepted after the 45 day period. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.
- e) Trauma Center Adjustment Reviews
- 1) The Department shall make trauma care adjustments in accordance with Section 148.290(c). Hospitals shall have the right to appeal the trauma center adjustment calculations if it is believed that a technical error has been made in the calculation.
  - 2) Trauma level designation is obtained from the Illinois Department of Public Health as of the first day of July preceding the trauma center adjustment rate period. Review shall be limited to requests accompanied by documentation from the Illinois Department of Public Health, or the licensing agency in the state in which the hospital is located, substantiating that the information supplied to and utilized by the Department was incorrect.
  - 3) Appeals under this subsection (e) must be in writing and must be received within 30 days after the date of the Department's notice to the hospital of its qualification for trauma center adjustments and payment amounts. Such a request shall include a clear explanation of the reason for the appeal and documentation of the desired correction. The Department shall notify the hospital of the results of the review within 30 days after

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- receipt of the hospital's request for review.
- f) Medicaid High Volume Adjustment Reviews
- The Department shall make Medicaid high volume adjustments in accordance with Section 148.290(d). Review shall be limited to verification that the Medicaid inpatient days were calculated in accordance with State regulations. The appeal must be in writing and must be received within 30 days after the date of the Department's notice to the hospital of its qualification for Medicaid high volume adjustments and payment adjustment amounts. Such a request shall include a clear explanation of the reason for the appeal and documentation of the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.
- g) Sole Community Hospital Designation Reviews
- The Department shall make sole community hospital designations in accordance with 89 Ill. Adm. Code 149.125(b). Hospitals shall have the right to appeal the designation if it is believed that a technical error has been made in the determination. The appeal must be made in writing and must be received within 30 days after notification of the designation. Such a request shall include a clear explanation of the reason for the appeal, and documentation of the desired correction. The Department shall notify the hospital of the results of the review no later than 30 days after receipt of the hospital's request for review.
- h) Geographic Designation Reviews
- 1) The Department shall make rural hospital designation in accordance with Section 148.25(g)(3). Hospitals shall have the right to appeal the designation if it is believed that a technical error has been made in the determination. The appeal must be in writing and must be received within 30 days after notification of the designation. Such a request shall include a clear explanation of the reason for the appeal and documentation of the desired correction. The Department shall notify the hospital of the results of the review no later than 30 days after receipt of the hospital's request for review.
  - 2) The Department shall make urban hospital designations in accordance with Section 148.25(g)(4). Hospitals shall have the right to appeal the designation if it is believed that a technical error has been made in the determination. The appeal must be in writing and must be received 30 days after notification of the designation. Such a request shall include a clear explanation of the reason for the appeal and documentation of the desired correction. The Department shall notify the hospital of the results of the review no later than 30 days after receipt of the hospital's request for review.
- i) Critical Hospital Adjustment Payment (CHAP) Reviews
- 1) The Department shall make CHAP payments in accordance with Section 148.295. Hospitals shall be notified in writing of the

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results of the CHAP determination and calculation, and shall have the right to appeal the CHAP calculation or their ineligibility for the CHAP if it is believed that a technical error has been made in the calculation. The appeal must be in writing and must be received within 30 days after the date of the Department's notice to the hospital of its qualification for CHAP and payment adjustment amounts, or a letter of notification that the hospital does not qualify for the CHAP. Such a request shall include a clear explanation of the reason for the appeal and documentation of the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.

- 2) CHAP determination reviews shall be limited to the following:
  - A) Federally designated Health Professional Shortage Areas (HPSAs). Illinois hospitals located in Federally designated HPSAs shall be identified in accordance with 42 CFR 5, and Section 148.295(a)(3)(B) and (b)(3) based upon the methodologies utilized by, and the most current information available to, the Department from the Department of Health and Human Services as of the last day of June preceding the CHAP rate period. Review shall be limited to hospitals in locations that have failed to obtain designation as federally designated HPSAs only when such a request for review is accompanied by documentation from the Department of Health and Human Services substantiating that the hospital was located in a Federally designated HPSA as of the last day of June preceding the CHAP rate period.

- B) Trauma level designation. Trauma level designation is obtained from the Illinois Department of Public Health as of the last day of June preceding the CHAP rate period. Review shall be limited to requests accompanied by documentation from the Illinois Department of Public Health, substantiating that the information supplied to and utilized by the Department was incorrect.

- C) Accreditation of Rehabilitation Facilities. Accreditation of rehabilitation facilities shall be obtained from the Commission on Accreditation of Rehabilitation Facilities as of the last day of June preceding the CHAP rate period. Review shall be limited to requests accompanied by documentation from the Commission, substantiating that the information supplied to and utilized by the Department was incorrect.

- D) Medicaid Inpatient Utilization Rates. Medicaid inpatient utilization rates shall be calculated pursuant to Section 1923 of the Social Security Act and as defined in Section 148.120(k)(5). Review shall be limited to verification that Medicaid inpatient utilization rates were calculated in accordance with Federal and State regulations.

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- E) Perinatal level designation. Perinatal level designation is obtained from the Illinois Department of Public Health as of the last day of June preceding the CHAP rate period. Review shall be limited to requests accompanied by documentation from the Illinois Department of Public Health, substantiating that the information supplied to and utilized by the Department was incorrect.

- F) Disproportionate share eligibility. Disproportionate share eligibility shall be determined pursuant to Section 148.120. Review shall be limited to verification that the Department utilized criteria in accordance with State regulations.

- G) Occupancy ratio. The occupancy ratio shall be obtained from the Illinois Department of Public Health's published report entitled "Bed Count, Average Length of Stay, Average Daily Census and Percent Occupancy for Non-Federal Hospitals in Illinois" as of the last day of June preceding the CHAP rate period. Review shall be limited to requests accompanied by documentation from the Illinois Department of Public Health, substantiating that the information supplied to and used by the Department was incorrect.

- H) Graduate Medical Education Programs. Graduate Medical Education program information shall be obtained from the most recently published report of the American Accreditation Council for Graduate Medical Education, the American Osteopathic Association Division of Post-doctoral Training, or the American Dental Association Joint Commission on Dental Accreditation as of the last day of June preceding the CHAP rate period. Review shall be limited to requests accompanied by documentation from the above, substantiating that the information supplied to and utilized by the Department was incorrect.

- I) Supplemental Critical Hospital Adjustment Payment (SCHAP) Reviews. The Department shall make SCHAP payments in accordance with Section 148.296. Hospitals shall be notified in writing of the results of the SCHAP determination and calculation, and shall have the right to appeal the SCHAP calculation or their ineligibility for SCHAP payments if it is believed that a technical error has been made in the calculation. The appeal must be in writing and must be received within 30 days after the date of the Department's notice to the hospital of its qualification for SCHAP and payment adjustment amounts, or a letter of notification that the hospital does not qualify for SCHAP payments. Such a request must include a clear explanation of the reason for the appeal and documentation that supports the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.

- K) Pediatric Outpatient Adjustment Payments. The Department shall make Pediatric Outpatient Adjustment payments in accordance with Section



## DEPARTMENT OF PUBLIC AID

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148.297. Hospitals shall be notified in writing of the results of the determination and calculation, and shall have the right to appeal the calculation or their ineligibility for payments under Section 148.297 if it is believed that a technical error has been made in the calculation. The appeal must be in writing and must be received within 30 days after the date of the Department's notice to the hospital of its qualification under Section 148.297 and payment adjustment amounts, or a letter of notification that the hospital does not qualify for such payments. Such a request must include a clear explanation of the reason for the appeal and documentation that supports the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.

- 1) A one-time fiscal year 2000 payment. The Department shall make a one-time fiscal year 2000 payment to hospitals based upon the services as specified at Section 148.140(b)(4). Hospitals shall be notified in writing of the results of the determination and calculation, and shall have the right to appeal the calculation or their ineligibility for payments under Section 148.140(b)(4) if it is believed that a technical error has been made in the calculation. The appeal must be submitted in writing to the Department and must be received or postmarked within 30 days after the date of the Department's notice to the hospital of its qualification under Section 148.140 and payment amounts, or a letter of notification that the hospital does not qualify for such payments. Such a request must include a clear explanation of the reason for the appeal and documentation that supports the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. **10386**, effective July 1, 2000, for a maximum of 150 days)

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## NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Long Term Care Reimbursement Changes
- 2) Code Citation: 89 Ill. Adm. Code 153
- 3) Section Numbers: 153.125  
Emergency Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 91-0712
- 5) Effective Date: July 1, 2000
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable

7) Date Filed with the Index Department: June 30, 2000

8) A copy of the emergency amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: These emergency amendments are being filed pursuant to the Governor's fiscal year 2001 budget plan and the enactment of the State's budget by the Legislature. Under Public Act 91-0712, rates established on July 1, 2000, for long term care services including developmental training services, will be increased by 2.5 percent per resident day. Emergency rulemaking is specifically authorized for the implementation of these reimbursement changes for fiscal year 2001 by Section 5-45 of Public Act 91-0712.

10) Complete Description of the Subjects and Issues Involved: These emergency amendments to the Department's rules concerning long term care reimbursement are necessary to provide reimbursement increases as mandated by Public Act 91-0712. The amendments provide for a rate increase of 2.5 percent per resident day for long term care facilities (skilled and intermediate care nursing facilities and facilities for persons with developmental disabilities) and developmental training agencies, for services provided on or after July 1, 2001.

The Department anticipates a budgetary increase of \$45.2 million for fiscal year 2001 as a result of these changes affecting long term care facilities and developmental training agencies.

For the Department of Human Services, the rate increases affecting ICF/MR facilities are expected to result in an increase of approximately \$7.8 million for fiscal year 2001.

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- 11) Are there any other amendments pending on this Part: No
- 12) Statement of Statewide Policy Objectives: These emergency amendments neither create nor expand any state mandates affecting units of local government.

- 13) Formation and questions regarding this amendment shall be directed to:

Joanne Jones  
Office of the General Counsel, Rules Section  
Illinois Department of Public Aid  
201 South Grand Avenue East, Third Floor  
Springfield, Illinois 62763-0002  
(217) 524-0081

The full text of the emergency amendments begins on the next page:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER 1: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER e: GENERAL TIME-LIMITED CHANGES

## PART 153

## LONG TERM CARE REIMBURSEMENT CHANGES

Section  
153.100 Reimbursement for Long Term Care Services  
153.125 Long Term Care Facility Rate Adjustments  
EMERGENCY  
153.150 Quality Assurance Review (Repealed)

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, and VI and 12-13] and implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III].

SOURCE: Emergency rules adopted at 18 Ill. Reg. 2159, effective January 18, 1994, for maximum of 150 days; adopted at 18 Ill. Reg. 10154, effective June 17, 1994; emergency amendment at 18 Ill. Reg. 11380, effective July 1, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16669, effective November 1, 1994; emergency amendment at 19 Ill. Reg. 10245, effective June 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16281, effective November 27, 1995; emergency amendment at 20 Ill. Reg. 9306, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14840, effective November 1, 1996; emergency amendment at 21 Ill. Reg. 9568, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13633, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 13114, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16285, effective August 28, 1998; amended at 22 Ill. Reg. 19872, effective October 30, 1998; emergency amendment at 23 Ill. Reg. 8229, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12794, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13638, effective November 1, 1999; emergency amendment at 24 Ill. Reg. ~~10421~~, effective July 1, 2000, for a maximum of 150 days.

## Section 153.125 Long Term Care Facility Rate Adjustments

## EMERGENCY

- a) Notwithstanding the provisions set forth in Section 153.100, long term care facility (SNF/ICF and ICF/MR) rates established on July 1, 1996, shall be increased by 6.8 percent for services provided on or after January 1, 1997.
- b) Notwithstanding the provisions set forth in Section 153.100, long term care facility (SNF/ICF and ICF/MR) rates and developmental day training rates established on July 1, 1998, for services provided on or after that date, shall be increased by three percent. For nursing

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

facilities (SNF/ICF) only, \$1.10 shall also be added to the nursing component of the rate.

- c) Notwithstanding the provisions set forth in Section 153.100, long term care facility (SNF/ICF and ICF/MR) rates and developmental training rates established on July 1, 1999, for services provided on or after that date, shall include:

- 1) an increase of 1.6 percent for SNF/ICF, ICF/MR and developmental training rates;
- 2) an additional increase of \$3.00 per resident day for ICF/MR rates; and
- 3) an increase of \$10.02 per person, per month for developmental training rates.

d) Notwithstanding the provisions set forth in Section 153.100, SNF/ICF rates shall be increased by \$4.00 per resident day for services provided on or after October 1, 1999.

- e) Notwithstanding the provisions set forth in Section 153.100, SNF/ICF, ICF/MR and developmental training rates shall be increased 2.5 percent per resident day for services provided on or after July 1, 2000.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. **10421**, effective July 1, 2000, for a maximum of 150 days)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Medical Assistance Programs

- 2) Code Citation: 89 Ill. Adm. Code 120

- 3) Section Numbers: Emergency Action:  
120.20 Amendment

- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13], Public Act 91-0699 and Public Act 91-0712

- 5) Effective Date: July 1, 2000

- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable

- 7) Date Filed with the Index Department: June 30, 2000

- 8) A copy of the emergency amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Reason for Emergency: These emergency amendments are being filed pursuant to the Governor's fiscal year 2001 budget plan and the enactment of the State's budget by the Legislature. Under Public Act 91-0699, the AARD MANG income standard pertaining to medical assistance eligibility is being increased to 70 percent of the Federal Poverty Level. Emergency rulemaking is specifically authorized for the implementation of these changes for fiscal year 2001 by Section 5-45 of Public Act 91-0712.

- 10) Complete Description of the Subjects and Issues Involved: These emergency amendments are necessary to implement recent changes in State law regarding income standards and medical assistance eligibility. Under Public Act 91-0699, the AARD MANG income standard is being increased to 70 percent of the Federal Poverty Level, effective July 1, 2000. The Department anticipates that these changes will result in a spending increase during fiscal year 2001 of approximately \$56.7 million.

- 11) Are there any other amendments pending on this Part?: No

- 12) Statement of Statewide Policy Objectives: These emergency amendments neither create nor expand any state mandates affecting units of local government.

- 13) Information and questions regarding this amendment shall be directed to:

Joanne Jones  
Office of the General Counsel, Rules Section  
Illinois Department of Public Aid

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

201 South Grand Avenue East, Third Floor  
Springfield, Illinois 62763-0002  
Telephone: (217) 524-0081

The full text of the emergency amendments begins on the next page:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER 1: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMS

## PART 120

## MEDICAL ASSISTANCE PROGRAMS

## SUBPART A: GENERAL PROVISIONS

Section  
120.1 Incorporation By Reference

## SUBPART B: ASSISTANCE STANDARDS

Section  
120.10 Eligibility For Medical Assistance  
120.11 MANG(P) Eligibility  
120.12 Healthy Start - Medicaid Presumptive Eligibility Program For Pregnant Women  
120.20 MANG(AABD) Income Standard  
120.30 MANG(C) Income Standard  
120.31 MANG(P) Income Standard  
120.40 Exceptions To Use Of MANG Income Standard  
120.50 AMI Income Standard (Repealed)

## SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section  
120.60 Cases Other Than Long Term Care, Pregnant Women and Certain Children  
120.61 Cases in Intermediate Care, Skilled Nursing Care and DMHDD - MANG(AABD) and All Other Licensed Medical Facilities  
120.62 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings Under 89 Ill. Adm. Code 140.643  
120.63 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings  
120.64 MANG(P) Cases  
120.65 Department of Mental Health and Developmental Disabilities (DMHDD) Licensed Community - Integrated Living Arrangements

## SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE

Section  
120.70 Supplementary Medical Insurance Benefits (SMIB) Buy-In Program  
120.72 Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)  
120.73 Eligibility for Medicaid Payment of Medicare Part B Premiums as a



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120.74 Specified Low-Income Medicare Beneficiary (SLIB)  
 120.75 Qualified Medicare Beneficiary (QMB) Income Standard  
 120.76 Specified Low-Income Medicare Beneficiary (SLIB) Income Standards  
 Hospital Insurance Benefits (HIB)

## SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section  
 120.80 Recipient Restriction Program

## SUBPART F: MIGRANT MEDICAL PROGRAM

Section  
 120.90 Migrant Medical Program  
 120.91 Income Standards

## SUBPART G: AID TO THE MEDICALLY INDIGENT

Section  
 120.200 Elimination of Aid to The Medically Indigent  
 120.208 Client Cooperation (Repealed)  
 120.210 Citizenship (Repealed)  
 120.211 Residence (Repealed)  
 120.212 Age (Repealed)  
 120.215 Relationship (Repealed)  
 120.216 Living Arrangement (Repealed)  
 120.217 Supplemental Payments (Repealed)  
 120.218 Institutional Status (Repealed)  
 120.224 Foster Care Program (Repealed)  
 120.225 Social Security Numbers (Repealed)  
 120.230 Unearned Income (Repealed)  
 120.235 Unearned Income (Repealed)  
 120.236 Education Benefits (Repealed)  
 120.240 Unearned Income In-Kind (Repealed)  
 120.245 Earnmarked Income (Repealed)  
 120.250 Lump Sum Payments and Income Tax Refunds (Repealed)  
 120.255 Protected Income (Repealed)  
 120.260 Earned Income (Repealed)  
 120.261 Budgeting Earned Income (Repealed)  
 120.262 Exempt Earned Income (Repealed)  
 120.270 Recognized Employment Expenses (Repealed)  
 120.271 Income From Work/Study/Training Program (Repealed)  
 120.272 Earned Income From Self-Employment (Repealed)  
 120.273 Earned Income From Roomer and Boarder (Repealed)  
 120.275 Earned Income In-Kind (Repealed)  
 120.276 Payments from the Illinois Department of Children and Family Services (Repealed)  
 120.280 Assets (Repealed)

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120.281 Exempt Assets (Repealed)  
 120.282 Asset Disregards (Repealed)  
 120.283 Deferral of Consideration of Assets (Repealed)  
 120.284 Spend-down of Assets (AMI) (Repealed)  
 120.285 Property Transfers (Repealed)  
 120.290 Persons Who May Be Included in the Assistance Unit (Repealed)  
 120.295 Payment Levels for AMI (Repealed)

## SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section  
 120.308 Client Cooperation  
 120.309 Caretaker Relative  
 120.310 Citizenship  
 120.311 Residence  
 120.312 Age  
 120.313 Blind  
 120.314 Disabled  
 120.315 Relationship  
 120.316 Living Arrangements  
 120.317 Supplemental Payments  
 120.318 Institutional Status  
 120.319 Assignment of Rights to Medical Support and Collection of Payment  
 120.320 Cooperation in Establishing Paternity and Obtaining Medical Support  
 120.321 Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support  
 120.322 Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support  
 120.323 Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause  
 120.324 Health Insurance Premium Payment (HIPP) Program  
 120.325 Health Insurance Premium Payment (HIPP) Pilot Program  
 120.326 Foster Care Program  
 120.327 Social Security Numbers  
 120.330 Unearned Income  
 120.332 Budgeting Unearned Income  
 120.335 Exempt Unearned Income  
 120.336 Education Benefits  
 120.338 Incentive Allowance  
 120.340 Unearned Income In-Kind  
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 120.345 Earnmarked Income  
 120.346 Medicaid Qualifying Trusts  
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 120.363 Earned Income Exemption  
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 120.382 Deferral of Consideration of Assets  
 120.383 Spend-down of Assets (MANG)  
 120.384 Property Transfers for Applications Filed Prior to October 1, 1989  
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 120.386 Property Transfers Occurring On or Before August 10, 1993  
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 120.390 Persons Who May Be Included in the Assistance Unit  
 120.391 Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG and Children Born October 1, 1983, or Later  
 120.392 Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy  
 120.393 Pregnant Women and Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project  
 120.395 Payment Levels for MANG (Repealed)  
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 120.400 Twelve Month Eligibility for Persons under Age 19

## TABLE A Value of a Life Estate and Remainder Interest

## TABLE B Life Expectancy

AUTHORITY: Implementing Articles III, IV, V and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 3 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended

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at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10082, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; amended at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding Sections being codified

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with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; preemptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4307, effective March 7, 1986; amended at 10 Ill. Reg. 6566, effective April 16, 1986; amended at 10 Ill. Reg. 10686, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12855, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 20, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17898, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 11, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990;

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amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 9, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 2905, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 9280, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended at 20 Ill. Reg. 5068, effective March 20, 1996; amended at 20 Ill. Reg. 15993, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 692, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7423, effective May 31, 1997; amended at 21 Ill. Reg. 7748, effective June 9, 1997; amended at 21 Ill. Reg. 11555, effective August 1, 1997; amended at 21 Ill. Reg. 13638, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 1576, effective January 5, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 7003, effective April 1, 1998; amended at 22 Ill. Reg. 8503, effective May 1, 1998; amended at 22 Ill. Reg. 16291, effective August 28, 1998; emergency amendment at 22 Ill. Reg. 16640, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19875, effective October 30, 1998; amended at 23 Ill. Reg. 2381, effective January 22, 1999; amended at 23 Ill. Reg. 11301, effective August 27, 1999; amended at 24 Ill. Reg. 7361, effective May 1, 2000; emergency amendment at 24 Ill. Reg. 10425, effective July 1, 2000, for a maximum of 150 days.

## SUBPART B: ASSISTANCE STANDARDS

Section 120.20 MANG(AABD) Income StandardEMERGENCY

Number in Family	Monthly Net Income
2	-\$89

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2 -375  
3 -566  
4 -566  
5 -656  
6 -733  
7 -767  
8 -868  
9 -859  
10 -968  
11 -942  
12 -992  
13 1042  
14 1189  
15 1159  
16 1217  
17 1283  
18 1359

- a) The monthly countable income standard is 70 percent of the Federal Poverty Level Income Guidelines, as published annually in the Federal Register, for the appropriate family size, ~~if the above number is in the household, exceeds the number provided above, add \$66 for each additional person.~~
- b) A client receiving care in a public tuberculosis hospital is not considered to be receiving long term care. Such a client's financial eligibility for MANG is determined by use of the Aid to the Aged, Blind or Disabled MANG (AABD) income Standard.
- c) The MANG (AABD) income Standard is used in the determination of financial eligibility for MANG of a client living in a residential home or facility which is not licensed as a medical care facility or as a sheltered care facility. The cost of maintenance and/or care in such a facility is not an allowable medical expense. Regardless of the amount the client may be paying for care and/or maintenance in the facility, the client's nonexempt income and assets in excess of the MANG(AABD) Standard are considered available for payment for medical care not provided in the facility.

## d) MANG

- 1) A recipient residing in a Department of Human Services (DHS) State psychiatric hospital or developmental center ~~BMHDB-facility~~ is allowed \$30.00 per month in lieu of any other MANG standard.
- 2) As soon as MANG (AABD) clients become residents of a DHS ~~BMHDB~~ facility (see subsection (d)(1) of this Section), a skilled nursing facility ~~Skilled-Nursing-Facility~~, an intermediate care nursing facility ~~Intermediate-Care-Facility~~, or other facility, their eligibility for MANG is determined separately from persons remaining in the home.
- 3) When eligibility is based on being temporarily discharged from a DHS ~~BMHDB~~ facility (see subsection (d)(1) of this Section) for the purpose of obtaining medical care in a general hospital, the

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## NOTICE OF EMERGENCY AMENDMENTS

amount which the recipient is obligated to pay DHS ~~the-BMHDB~~ for care and maintenance is to be allowed in addition to the \$30.00.

4) Clients in a long term facility are allowed deductions from their non-SSI income to meet the needs of their community spouse, dependent family members and dependent children under the age of 21 years who do not reside with the community spouse. Family members include dependent children under the age of 21 years, dependent adult children, dependent parents or dependent siblings of either spouse; who reside with the spouse in the community. To calculate the amount of non-SSI income to be deducted, use the:

- A) Community Spouse Maintenance Needs Allowance (as described at Ill. Adm. Code 120.61) if the deduction is for a spouse in the community;
- B) Family Maintenance Needs Allowance (as described in Ill. Adm. Code 120.61), if the deduction is for dependent family member(s) residing with the community spouse; and
- C) Temporary Assistance for Needy Families (TANF) AFBE cash grant standard if the deduction is for dependent children under the age of 21 years who do not reside with the community spouse.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 10425, effective July 1, 2000, for a maximum of 150 days)



DEPARTMENT OF PUBLIC AID  
NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: Emergency Action:  
140.445 Amendment  
140.474 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13], Public Act 91-0707 and Public Act 91-0712
- 5) Effective Date: July 1, 2000
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed with the Index Department: June 30, 2000
- 8) A copy of the emergency amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: Emergency changes concerning reimbursement for prescription drugs are being made in response to a drug pricing investigation by the U.S. Justice Department and State Medicaid Fraud Control directors that verified the average wholesale prices being provided by product manufacturers were significantly inflated. Because of this finding, the wholesale prices reported by First DataBank for Medicaid purposes will be based on the "true" (real) wholesale prices rather than inflated prices. Therefore, for drugs that are wholesale priced on the basis of the "true" market wholesale price, the Department must eliminate the discount that is currently applied to wholesale prices under Section 140.445. Continuation of the discounting technique for "true" (real) wholesale prices would result in pharmacies and physicians receiving less reimbursement for drugs than their actual acquisition costs and the consequent inability of physicians and pharmacies to provide necessary services to the Department's medical assistance clients. This would force clients into the hospital setting as the only means of continuation of therapy. Therefore, immediate implementation of these emergency provisions is necessary to ensure adequate reimbursement levels for providers, continued access for clients to necessary medical care and cost containment for the State.

The Department is also filing emergency changes regarding reimbursement for home health services pursuant to the enactment of the State's fiscal year 2001 budget plan. In accordance with Public Act 91-0707, reimbursement levels for such services shall be increased, effective July 1, 2000. Emergency rulemaking is specifically authorized for the

DEPARTMENT OF PUBLIC AID  
NOTICE OF EMERGENCY AMENDMENTS

- 1) Complete Description of the Subjects and Issues Involved:  
implementation of these reimbursement changes for fiscal year 2001 by Section 5-45 of Public Act 91-0712.

10) Complete Description of the Subjects and Issues Involved:

**Pharmacy Services**

These emergency changes to the Department's rules on pharmacy services are being made in response to a drug pricing investigation by the National Association of Medicaid Fraud Units, the U.S. Justice Department, and several states' attorney generals. Investigators focused on 428 NDCs (National Drug Codes) and found that the average wholesale price (AWP) information being provided to First Data Bank by certain drug manufacturers was significantly inflated. This finding led to an agreement with the drug manufacturers and with First Data Bank that "true" (real) average wholesale prices are to be provided to state Medicaid programs. Because of this, for drugs that are wholesale priced on the basis of the "true" market wholesale price, the Department must eliminate the discount that is currently applied to wholesale prices under Section 140.445. Continuation of the discounting technique for "true" (real) wholesale prices would result in pharmacies and physicians receiving less reimbursement for drugs, under the Medical Assistance Program, than their actual acquisition costs.

Under the Department's current policies, drug reimbursement is based upon discounted wholesale prices that are reduced by 10 percent for brand name drugs and 12 percent for generic drugs. Applying these discounts to "true" (real) average wholesale prices would result in inadequate reimbursement to providers for prescription drugs and the consequent inability of physicians and pharmacies to provide necessary services to the Department's medical assistance clients. This would force clients into the hospital setting as the only means of continuation of therapy.

The Department anticipates that the use of the actual market average wholesale drug prices and the elimination of the current discounts against these "true" (real) average wholesale prices will result in savings to the Department of approximately \$7 million during FY 2001. Absent the proposed changes, service utilization would shift to costly environments and result in significant spending increases for necessary medical services.

**Home Health Services**

The Department is also filing emergency changes to Section 140.474 regarding reimbursement levels for home health services that are provided under the Medical Assistance Program. Covered services under the home health program include skilled nursing care, home health aides, speech therapy, occupational therapy and physical therapy. In accordance with Public Act 91-0707, reimbursement levels for such services shall be

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increased, effective July 1, 2000, except for services for children whose care is subsidized by the Illinois Department of Children and Family Services (DCFS). Payments for DCFS subsidized services are negotiated on an individual patient basis but cannot be greater than the agency's usual and customary charge to the general public. These changes are expected to result in a budgetary increase of approximately \$6 million for FY 2001.

11) Are there any other amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation	Section
140.11	Amendment	June 30, 2000 (24 Ill. Reg. 8800)	140.1
140.12	Amendment	June 30, 2000 (24 Ill. Reg. 8800)	140.2
140.21	Amendment	June 30, 2000 (24 Ill. Reg. 8800)	140.3
140.502	Amendment	June 30, 2000 (24 Ill. Reg. 8800)	140.4
140.503	Amendment	June 30, 2000 (24 Ill. Reg. 8800)	140.5
140.505	New Section	June 30, 2000 (24 Ill. Reg. 8800)	140.6
140.506	Amendment	June 30, 2000 (24 Ill. Reg. 8800)	140.7
140.700	Amendment	June 30, 2000 (24 Ill. Reg. 8800)	140.8

12) Statement of Statewide Policy Objectives: These emergency amendments neither create nor expand any state mandates affecting units of local government.

13) Information and questions regarding this amendment shall be directed to:

Joanne Jones  
Office of the General Counsel, Rules Section  
Illinois Department of Public Aid  
201 South Grand Avenue East, Third Floor  
Springfield, Illinois 62763-0002  
(217) 524-0081

The full text of the emergency amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER d: MEDICAL PROGRAMS  
PART 140  
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Incorporation By Reference  
Medical Assistance Programs  
Covered Services Under Medical Assistance Programs  
Covered Medical Services Under APCD-MANG for non-pregnant persons who are 18 years of age or older (Repealed)  
Covered Medical Services Under General Assistance  
Medical Services Not Covered  
Medical Assistance provided to Individuals Under the Age of Eighteen  
Who Do Not Qualify for APCD and Children Under Age Eight  
Medical Assistance for Qualified Severely Impaired Individuals  
Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for APCD/APCD-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Need  
Medical Assistance provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Enrollment Conditions for Medical Providers  
Participation Requirements for Medical Providers  
Definitions  
Denial of Application to Participate in the Medical Assistance Program  
Recovery of Money  
Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program  
Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program  
Effect of Termination on Individuals Associated with Vendor  
Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring  
Submission of Claims  
Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)  
Magnetic Tape Billings  
Payment of Claims  
Payment Procedures  
Overpayment or Underpayment of Claims  
Payment to Factors Prohibited

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140.27	Assignment of Vendor Payments
140.28	Record Requirements for Medical Providers
140.30	Audits
140.31	Emergency Services Audits
140.32	Prohibition on Participation, and Special Permission for Participation
140.33	Publication of List of Terminated, Suspended or Barred Entities
140.35	False Reporting and Other Fraudulent Activities
140.40	Prior Approval for Medical Services or Items
140.41	Prior Approval in Cases of Emergency
140.42	Limitation on Prior Approval
140.43	Post Approval for Items or Services When Prior Approval Cannot Be Obtained
140.55	Recipient Eligibility Verification (REV) System
140.71	Reimbursement for Medical Services Through the Use of a C-13 Invoice
140.72	Voucher Advance Payment and Expedited Payments
140.72	Drug Manual (Recodified)
140.73	Drug Manual Updates (Recodified)
SUBPART C: PROVIDER ASSESSMENTS	
Section	Hospital Provider Fund
140.80	Developmentally Disabled Care Provider Fund
140.82	Long Term Care Provider Fund
140.84	Medicaid Developmentally Disabled Provider Participation Fee Trust
140.94	Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
140.95	Hospital Services Trust Fund
140.96	General Requirements (Recodified)
140.97	Special Requirements (Recodified)
140.98	Covered Hospitals Services (Recodified)
140.99	Hospital Services Not Covered (Recodified)
140.100	Limitation On Hospital Services (Recodified)
140.101	Transplants (Recodified)
140.102	Heart Transplants (Recodified)
140.103	Liver Transplants (Recodified)
140.104	Bone Marrow Transplants (Recodified)
140.110	Disproportionate Share Hospital Adjustments (Recodified)
140.116	Payment for Inpatient Services for GA (Recodified)
140.117	Hospital Outpatient and Clinic Services (Recodified)
140.117	Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.201	Payment for Hospital Services After June 30, 1982 (Repealed)
140.201	Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.202	Limits on Length of Stay by Diagnosis (Recodified)
140.203	Payment for pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
140.300	Outpatient Setting (Recodified)
140.350	Copayments (Recodified)
140.360	Payment Methodology (Recodified)

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140.361	Non-Participating Hospitals (Recodified)
140.362	Pre July 1, 1989 Services (Recodified)
140.363	Post June 30, 1989 Services (Recodified)
140.364	Prepayment Review (Recodified)
140.365	Base Year Costs (Recodified)
140.367	Restructuring Adjustment (Recodified)
140.367	Inflation Adjustment (Recodified)
140.368	Volume Adjustment (Repealed)
140.369	Groupings (Recodified)
140.370	Rate Calculation (Recodified)
140.371	Payment (Recodified)
140.372	Review Procedure (Recodified)
140.373	Utilization (Repealed)
140.374	Alternatives (Recodified)
140.375	Exemptions (Recodified)
140.376	Utilization, Case-Mix and Discretionary Funds (Repealed)
140.390	Subacute Alcoholism and Substance Abuse Services (Recodified)
140.391	Definitions (Recodified)
140.392	Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
140.394	Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.396	Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.398	Hearings (Recodified)
SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES	
Section	Payment to Practitioners, Nurses and Laboratories
140.400	Physicians' Services
140.410	Covered Services By Physicians
140.411	Services Not Covered By Physicians
140.412	Limitation on Physician Services
140.413	Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians
140.414	Optometric Services and Materials
140.416	Limitations on Optometric Services
140.417	Department of Corrections Laboratory
140.420	Dental Services
140.421	Limitations on Dental Services
140.422	Requirements for Prescriptions and Dispensing Items of Pharmacy Items - Dentists
140.425	Podiatry Services
140.426	Limitations on Podiatry Services
140.427	Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry
140.428	Chiropractic Services

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140.429 Limitations on Chiropractic Services (Repealed)  
 140.430 Independent Clinical Laboratory Services  
 140.431 Services Not Covered by Independent Clinical Laboratories  
 140.432 Limitations on Independent Clinical Laboratory Services  
 140.433 Payment for Clinical Laboratory Services  
 140.434 Record Requirements for Independent Clinical Laboratories  
 140.435 Nurse Services  
 140.436 Limitations on Nurse Services  
 140.437 Imaging Centers  
 140.438 Pharmacy Services  
 140.440 Pharmacy Services Not Covered  
 140.441 Prior Approval of Prescriptions  
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140.904 Statewide Rates (Repealed)

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140.906 Midnight Census Report (Recodified)

140.907 Times and Staff Levels (Recodified)

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## Section

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140.941 Definition of Terms (Recodified)

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140.943 Hospital Participation in ICARE Program Negotiations (Recodified)

140.944 Negotiation Procedures (Recodified)

140.945 Factors Considered in Awarding ICARE Contracts (Recodified)

140.946 Closing an ICARE Area (Recodified)

140.947 Administrative Review (Recodified)

140.948 Payments to Contracting Hospitals (Recodified)

140.949 Admitting and Clinical Privileges (Recodified)

140.950 Inpatient Hospital Care or Services by Non-Contracting Hospitals

140.951 Eligible for Payment (Recodified)

140.952 Payment to Hospitals for Inpatient Services or Care not Provided

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140.954 Transfer of Recipients (Recodified)

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140.956 Termination of ICARE Contracts (Recodified)

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TABLE B Capital Cost Areas

TABLE C Schedule of Dental Procedures

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TABLE H Staff Time and Allocation for Training Programs (Recodified)

TABLE I HSA Grouping (Repealed)

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(Repealed)

TABLE L Enhanced Rates for Maternal and Child Health Provider Services

TABLE M

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 15, 1983; for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 6 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment





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12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17219, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18308, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174, effective January 18, 1991; effective April 18, 1991; amended at 15 Ill. Reg. 634, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6819, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a

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maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10924, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15632, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended



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at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; emergency amendment at 24 Ill. Reg. 7122, effective July 1, 2000, for a maximum of 150 days.

**10436**

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

## Section 140.445 Legend Prescription Items (Not Compounded)

**EMERGENCY**

- a) For legend (prescription) drugs, the Department shall pay the lower of:
- a) the pharmacy's prevailing charge to the general public; or
  - b) the Department's maximum price plus the established dispensing fee.
- b) For generic drugs, the Department's maximum price is calculated as the lower of:
- A) the pharmacy's prevailing charge to the general public; or
  - B) the average wholesale price minus 12 percent plus the established dispensing fee; or
  - C) the Federal Upper Limit for drugs that have been evaluated as therapeutically equivalent in the Food and Drug Administration's publication entitled Approved Drug Products with Therapeutic Equivalence Evaluations, plus the established dispensing fee; or
  - D) the State Upper Limit for drugs listed in the Illinois Formulary for the Drug Product Selection Program and not having an established Federal Upper Limit at the time of listing plus the established dispensing fee; or
  - E) the average wholesale price for drugs where that price is based upon the actual market wholesale price plus the established dispensing fee.

- 2) For brand name drugs, the Department's maximum price is calculated as the lower of:
- A) the average wholesale price minus ten percent plus the established dispensing fee; or
  - B) the average wholesale price for drugs where that price is based upon the actual market wholesale price plus the established dispensing fee.

**10436**

(Source: Amended by emergency rulemaking at 24 Ill. Reg. effective July 1, 2000, for a maximum of 150 days)

## Section 140.474 Payment for Home Health Services

**EMERGENCY**

- a) Except for subsection (b) of this Section, home health agencies

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

shall be paid an all inclusive, per visit rate which shall be the lowest of:

- 1) the agency's usual and customary charge for the service;
  - 2) the agency's Medicare rate; or
  - 3) the Department's allowable rate a statewide flat-rate-based-on the upper limit established by the Department at the 90th percentile of approved Medicare rates for home health agencies in Illinois.
- b) Payment for services for children whose care is subsidized by the Illinois Department of Children and Family Services shall be negotiated on an individual patient basis but shall be no greater than the agency's usual and customary charge to the general public.
- c) Payment to self-employed registered nurses providing in-home nursing services is made at the community rate for such services as determined for each case at the time prior approval is given.
- d) Payment to independent therapists and community health agencies shall be at the provider's usual and customary charge, not to exceed the maximum established by the Department.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. effective July 1, 2000, for a maximum of 150 days)

**10436**

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF MODIFICATION TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: White-Tailed Deer Hunting by Use of Muzzleloading Rifles
- 2) Code Citation: 17 Ill. Adm. Code 660
- 3) Section Numbers: 660.20  
Action: Amendments
- 4) Date Notice of Proposed Rules Published in the Register: January 14, 2000  
24 Ill. Reg. 471
- 5) Date JCAR Statement of Objection Published in the Register: April 28, 2000  
24 Ill. Reg. 6742
- 6) Summary of Action Taken by the Agency: The agency has agreed to modify the rulemaking by removing the following language in Section 660.20(c): "Applicants must provide their Social Security Number on the application form."

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF MODIFICATION TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: White-Tailed Deer Hunting by Use of Firearms
- 2) Code Citation: 17 Ill. Adm. Code 650
- 3) Section Numbers: 650.20  
Action: Amendments
- 4) Date Notice of Proposed Rules Published in the Register: January 14, 2000  
24 Ill. Reg. 456
- 5) Date JCAR Statement of Objection Published in the Register: April 28, 2000  
24 Ill. Reg. 6743
- 6) Summary of Action Taken by the Agency: The agency has agreed to modify the rulemaking by removing the following language in Section 650.20(c): "Applicants must provide their Social Security Number on the application form."

## OFFICE OF THE ATTORNEY GENERAL

## JULY 2000 REGULATORY AGENDA

- a) Part (Heading and Code Citation): "Crime Victims Compensation"; 89 Ill. Adm. Code 1105

## 1) Rulemaking: Proposed Rules

- A) Description: The Attorney General intends to propose rules to implement the Crime Victims Compensation Act (740 ILCS 45). The rules will cover such matters as outreach, applications, extensions, claim investigation and approval, appeals, representation, subrogation, and enforcement.
- B) Statutory Authority: Section 4.1 of the Crime Victims Compensation Act (740 ILCS 45/4.1)
- C) Scheduled meeting/hearing date: None
- D) Date agency anticipates First Notice: August 2000
- E) Affect on small businesses, small municipalities or not for profit corporation: Allows not for profit legal agencies to fully understand the OAG's investigative process when such agencies represent claimants under the Act.
- F) Agency contact person for information:

Martha Newton, Chief  
Crime Victim Services Division  
Office of the Attorney General  
100 W. Randolph St., 11th Floor  
Chicago IL 60601  
312/814-5090

- G) Related rulemakings and other pertinent information: None

## CARNIVAL-AMUSEMENT SAFETY BOARD

## JULY 2000 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Carnival and Amusement Rides Safety Act, 56 Ill. Adm. Code 6000

## 1) Rulemaking:

- A) Description: The Carnival and Amusement Safety Board will be reviewing this entire section of rules to evaluate the present requirements for Go-Karts, Dune Buggies and all terrain vehicles against the latest industry accepted guidelines.
- B) Statutory Authority: 430 ILCS 85/2-6
- C) Schedule of meetings and hearing dates: The date of the public hearing will be announced at the time the Notice of Proposed Amendments are published.
- D) Date agency anticipates First Notice: February 2001
- E) Affect on small businesses, small municipalities or not for profit corporations: Yes, but will not adversely affect those tracks which are already doing business.
- F) Information concerning this regulatory agenda shall be directed to:

Carl Kimble, P.E.  
Chief Inspector  
Illinois Department of Labor  
1 W. Old Capitol Plaza, Room 300  
Springfield, IL 62701  
217/782-9347

- G) Related rulemaking and other pertinent information: None

## ILLINOIS COMMERCE COMMISSION

## JULY 2000 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Standard Filing Requirements for Electric, Gas, Water and Sewer Utilities and Telecommunications Carriers in Filing for an Increase in Rates, 83 Ill. Adm. Code 285

1) Rulemaking:

- A) Description: This rulemaking proceeding is examining the required data that must be filed with the Commission when any of the subject entities files a general rate increase. This material is reviewed by Commission staff in preparation of the rate case.

- B) Statutory Authority: Implementing Section 9-201 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/9-201 and 10-101].

- C) Scheduled meeting/hearing date: Persons interested in participating in the proceeding should file a petition to intervene in Docket 93-0351.

- D) Date agency anticipates First Notice: Undetermined

- E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect any subject utilities or local exchange carriers that are also small businesses.

- F) Agency contact person for information:

Donna M. Caton  
Chief Clerk  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, Illinois 62706  
217/782-7434

- G) Related rulemakings and other pertinent information: None

- b) Part (Heading and Code Citation): Standard of Conduct and Functional Separation 83 Ill. Adm. Code 452

1) Rulemaking:

- A) Description: Section 16-119A(a) of the Public Utilities Act requires the Commission to open a rulemaking to implement competition-fostering aspects of the amendments to the Public Utilities Act in P.A. 90-561. The rules will establish standards

## ILLINOIS COMMERCE COMMISSION

## JULY 2000 REGULATORY AGENDA

of conduct for public utilities in the generation and distribution aspects of the industry. Section 16-119A(b) of the Public Utilities Act gives the Commission the authority to investigate the need for, and adopt rules requiring, functional separation between the generation services and the delivery services of those electric utilities whose principal service area is in Illinois as necessary to meet the objective of creating efficient competition between suppliers of generating services and sellers of such services at retail and wholesale. The subject matter of this subsection is intertwined with the subject matter of subsection (a).

- B) Statutory Authority: Implementing and authorized by Section 16-119A of the Public Utilities Act [220 ILCS 5/16-119A].

- C) Scheduled meeting/hearing date: Persons interested in participating in the proceeding should file a petition to intervene in dockets 98-0147 and 98-0148, consolidated.

- D) Date agency anticipates First Notice: Undetermined

- E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect any subject utilities or alternative retail electric suppliers that are also small businesses.

- F) Agency contact person for information:

Donna M. Caton  
Chief Clerk  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, Illinois 62706  
217/782-7434

- G) Related rulemakings and other pertinent information: None

- c) Part (Heading and Code Citation): Standards of Service for Electric Utilities, 83 Ill. Adm. Code 410

1) Rulemaking

- A) Description: This rulemaking will revise the current rules to update the regulation of standards of service and to cover alternative retail electric suppliers.

- B) Statutory Authority: Implementing Sections 8-301, 8-302, 8-501,



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9-201, 16-115, 16-115A, 16-116, 16-123, and 17-300 and authorize by Section 10-101 of the Public Utilities Act [220 ILCS 5/8-301, 8-302, 8-501, 9-201, 10-101, 16-115, 16-115A, 16-116, 16-123, and 17-300].

C) Scheduled meeting/hearing date: Persons interested in participating in this proceeding should file a petition to intervene in Docket 99-0680.

D) Date agency anticipates First Notice: Undetermined

E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect any electric utility or prospective or current alternative retail electric supplier that is also a small business.

F) Agency contact person for information:

Donna M. Caton  
Chief Clerk  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, Illinois 62706  
217/782-7434

G) Related rulemakings and other pertinent information: Rulemaking to adopt 83 Ill. Adm. Code 460, Certification Requirements and Standards of Service for Meter Service Providers, Commission Docket 00-0182, first notice at 24 Ill. Reg. 7028 (May 12, 2000)

## ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

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a) Part(s) (Heading and Code Citation): Protection of Human Subjects in Research Conducted by the Authority (20 Ill. Adm. Code 1580)

1) Rulemaking:

A) Description: Through its Planning and Research Committee, the Authority plans to propose rulemaking necessary for the administration of an institutional review board to ensure the protection of human subjects in research conducted by the Authority.

B) Statutory Authority: 20 ILCS 3930/7

C) Scheduled meeting/hearing dates: No meetings or hearings have been scheduled.

D) Date agency anticipates First Notice: The Authority anticipates that it will submit a notice of proposed rulemaking during the next 6 months of this year.

E) Affect on small businesses, small municipalities or not for profit corporations: The rulemaking may affect small businesses, small municipalities or not for profit corporations if they conduct or are involved in Authority-sponsored research projects.

F) Agency contact person for information:

Kristi J. Kangas  
120 S. Riverside Plaza, Suite 1016  
Chicago, IL 60606  
312-793-8550

G) Related rulemakings and other pertinent information: None

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not-for-profit corporations: None

F) Agency contact person for information:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777  
(217) 782-3950

G) Related rulemakings and other pertinent information: None

	Parts (Heading and Code Citation):	Pupil Transportation
c)	Reimbursement; 23 Ill. Adm. Code 120	

1) Rulemaking:

A) Description: Part 120 will be revised to clarify frequently asked questions and improve the overall processing of claims for transportation-related reimbursement.

B) Statutory Authority: 105 ILCS 5/Art. 29

C) Scheduled meeting/hearing date: To be announced

D) Date agency anticipates First Notice: October 20, 2000

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

F) Agency contact person for information:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777  
(217) 782-3950

G) Related rulemakings and other pertinent information: None

parts (Heading and Code Citation):	Disadvantaged Students	Funds
plans-Districts Over 50,000 ADA: 23 Ill. Adm. Code 202		

### 1) Rulemaking:

A) Description: Some of the technical material in this part

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a) Parts (Heading and Code Citation): Public Schools Evaluation, Recognition and Supervision; 23 Ill. Adm. Code 1

11) Rulemaking:

A) **Description:** The chart of certificates found in Appendix B of Part 1 needs to be updated to reflect the new system of initial, standard, and master certificates. Other updating is also needed in several areas.

B) Statutory Authority: 105 ILCS 5/Art. 21 and 2-3.6

C) Scheduled meeting/hearing date: To be announced

D) Date agency anticipates First Notice: October 27, 2000

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

F) Agency contact person for information:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777  
(217) 782-3950

G) Related rulemakings and other pertinent information: None

b) Parts (Heading and Code Citation: Certification; 23 Ill. Adm. Code 25

### 1) Rulemaking:

A) **Description:** New material is needed in Part 25 to cover certificate registration fees under the new certification structure. In addition, the standards for the approval of teacher preparation programs will be updated and content area standards will be added. Other technical clean-up can also be expected.

B) Statutory Authority: 105 ILCS 5/Art. 21 and 2-3.6

C) Scheduled meeting/hearing date: To be announced

D) Date agency anticipates First Notice: November 17, 2000

a) Effect on small businesses, small municipalities, or

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will be revised to strengthen implementation of this program.

- B) Statutory Authority: 105 ILCS 5/18-8.05
- C) Scheduled meeting/hearing date: To be announced
- D) Date agency anticipates First Notice: October 20, 2000
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None
- F) Agency contact person for information:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777  
(217) 782-3950

- G) Related rulemakings and other pertinent information: None
- e) Parts (Heading and Code Citation): Transitional Bilingual Education; 23 Ill. Adm. Code 228.

1) Rulemaking:

- A) Description: Part 228 will be amended to reflect the provisions of P.A. 91-764.

- B) Statutory Authority: 105 ILCS 5/Art. 14C

- C) Scheduled meeting/hearing date: To be announced

- D) Date agency anticipates First Notice: December 22, 2000

- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

- F) Agency contact person for information:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777  
(217) 782-3950

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- C) Related rulemakings and other pertinent information: None
- f) Parts (Heading and Code Citation): Hearings Before the State Teacher Certification Board; 23 Ill. Adm. Code 480

1) Rulemaking:

- A) Description: Part 480 will be amended to clarify its applicability to hearings conducted by the State Teacher Certification Board under certain specified statutes, as distinct from the appeal proceedings that will be the subject of new Part 485 (see below).

- B) Statutory Authority: 5 ILCS 100/5-10(a)(i)

- C) Scheduled meeting/hearing date: To be announced

- D) Date agency anticipates First Notice: November 17, 2000

- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

- F) Agency contact person for information:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777  
(217) 782-3950

- G) Related rulemakings and other pertinent information: The following item is related to this rulemaking.

- g) Parts (Heading and Code Citation): Appeal Proceedings Before the State Teacher Certification Board; 23 Ill. Adm. Code 485 (new)

1) Rulemaking:

- A) Description: New rules will be adopted that will apply specifically to appeal proceedings conducted by the State Teacher Certification Board to review administrative decisions suspending teaching certificates pursuant to Section 21-23 of the School Code.

- B) Statutory Authority: 105 ILCS 5/21-13

- C) Scheduled meeting/hearing date: To be announced

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- D) Date agency anticipates First Notice: November 17, 2000
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None
- F) Agency contact person for information:  
 Sally Vogl  
 Agency Rules Coordinator  
 Illinois State Board of Education  
 100 North First Street  
 Springfield, Illinois 62777  
 (217) 782-3950
- G) Related rulemakings and other pertinent information: The preceding item is related to this rulemaking.

DEPARTMENT OF NATURAL RESOURCES

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- a) Part(s) (Heading and Code Citation): Public Use of State Parks - 17 Ill. Adm. Code 110
- 1) Rulemaking:
- A) Description: This Part contains the rules and regulations for public use of State parks and other properties of the Department of Natural Resources.
- B) Statutory Authority: Implementing and authorized by Section 8 of the State Forest Act [5 ILCS 40/8] and by Sections 1, 2, 4 and 6 of the State Parks Act [20 ILCS 835/1, 2, 4 and 6] and by Section 5 of the State Parks Designation Act [20 ILCS 840/5] and by Sections 805-10, 805-520, 805-525, 805-330, 805-335 and 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-10, 805-520, 805-525, 805-330, 805-335 and 805-515].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: July 2000
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- |            |   |
|------------|---|
| Name:      | Jack Price                                    |
| Address:   | 524 S. Second Street<br>Springfield, IL 62701 |
| Telephone: | 217/782-1809                                  |
- b) Part(s) (Heading and Code Citation): General Hunting and Trapping on Department-Owned or -Managed Sites - 17 Ill. Adm. Code 510
- 1) Rulemaking:
- A) Description: This Part contains the Department's regulations for hunting and trapping on Department-owned or -managed sites.
- B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code [20 ILCS 5/1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5] and by Section 805-515 of the Civil Administrative Code of Illinois [20 ILCS



## DEPARTMENT OF NATURAL RESOURCES

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805/805-515].

C) Scheduled meeting/hearing dates: NoneD) Date agency anticipates First Notice: November 2000E) Affect on small businesses, small municipalities or not for profit corporations: NoneF) Agency contact person for information:

Name: Jack Price  
Address: 524 S. Second Street  
Springfield, IL 62701  
Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: Nonec) Part(s) (Heading and Code Citation): Special Purpose Permits - 17 Ill. Adm. Code 5221) Rulemaking:A) Description: This new Part establishes regulations for wildlife rehabilitation special purpose permittees.B) Statutory Authority: Implementing and authorized by Sections 1-125, 5-5, 20-100 and 20-105 of the Fish and Aquatic Life Code [515 ILCS 5/1-125, 5-5, 20-100 and 20-105] and Sections 2.1, 3.22 and 3.36 of the Wildlife Code [520 ILCS 5/2.1, 3.22 and 3.36].C) Scheduled meeting/hearing dates: NoneD) Date agency anticipates First Notice: November 2000E) Affect on small businesses, small municipalities or not for profit corporations: NoneF) Agency contact person for information:

Name: Jack Price  
Address: 524 S. Second Street  
Springfield, IL 62701  
Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

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d) Part(s) (Heading and Code Citation): Cock Pheasant, Hungarian Partridge, Bobwhite Quail and Rabbit Hunting - 17 Ill. Adm. Code 5301) Rulemaking:A) Description: This Part contains regulations for hunting of the above-mentioned species.B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].C) Scheduled meeting/hearing dates: NoneD) Date agency anticipates First Notice: November 2000E) Affect on small businesses, small municipalities or not for profit corporations: NoneF) Agency contact person for information:

Name: Jack Price  
Address: 524 S. Second Street  
Springfield, IL 62701  
Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: Nonee) Part(s) (Heading and Code Citation): Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting - 17 Ill. Adm. Code 5301) Rulemaking:A) Description: This Part contains the hunting regulations for the above-named species.B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].C) Scheduled meeting/hearing dates: NoneD) Date agency anticipates First Notice: November 2000

## DEPARTMENT OF NATURAL RESOURCES

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E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Jack Price  
Address: 524 S. Second Street  
Springfield, IL 62701  
Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

F) Part(s) (Heading and Code Citation): Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Trapping - 17 Ill. Adm. Code 570

1) Rulemaking:

A) Description: This Part contains tapping regulations for the above-named species.

B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code (520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5).

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: November 2000

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Jack Price  
Address: 524 S. Second Street  
Springfield, IL 62701  
Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

G) Part(s) (Heading and Code Citation): Duck, Goose and Coot Hunting - 17 Ill. Adm. Code 590

1) Rulemaking:

A) Description: This Part contains the regulations for hunting duck, goose and coot.

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B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code (520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10), and Migratory Bird Hunting (50 CFR 20, effective September 26, 1990).

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: November 2000

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Jack Price  
Address: 524 S. Second Street  
Springfield, IL 62701  
Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None  
h) Part(s) (Heading and Code Citation): White-Tailed Deer Hunting by Use of Firearms - 17 Ill. Adm. Code 650

1) Rulemaking:

A) Description: This Part contains the regulations for hunting deer by use of firearms.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code (520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36).

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: September 2000

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Jack Price  
Address: 524 S. Second Street  
Springfield, IL 62701  
Telephone: 217/782-1809

DEPARTMENT OF NATURAL RESOURCES  
JULY 2000 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: None
- 1) Part(s) (Heading and Code Citation): White-Tailed Deer Hunting by Use of Muzzleloading Rifles - 17 Ill. Adm. Code 660

1) Rulemaking:

- A) Description: This Part contains the regulations for hunting deer with muzzleloading rifles.
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36].

- C) Scheduled meeting/hearing dates: None

- D) Date agency anticipates First Notice: September 2000

- E) Affect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Name: Jack Price  
Address: 524 S. Second Street  
Springfield, IL 62701  
Telephone: 217/782-1809

- G) Related rulemakings and other pertinent information: None

- 3) Part(s) (Heading and Code Citation): White-Tailed Deer Hunting by Use of Bow and Arrow - 17 Ill. Adm. Code 670

1) Rulemaking:

- A) Description: This Part contains the regulations for deer bow and arrow hunting.

- B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5, and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36].

- C) Scheduled meeting/hearing dates: None

- D) Date agency anticipates First Notice: September 2000

DEPARTMENT OF NATURAL RESOURCES  
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- E) Affect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Name: Jack Price  
Address: 524 S. Second Street  
Springfield, IL 62701  
Telephone: 217/782-1809

- G) Related rulemakings and other pertinent information: None

- k) Part(s) (Heading and Code Citation): White-Tailed Deer Hunting by Use of Handguns - 17 Ill. Adm. Code 680

1) Rulemaking:

- A) Description: This Part contains the regulations for hunting and white-tailed deer by use of handguns.

- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

- C) Scheduled meeting/hearing dates: None

- D) Date agency anticipates First Notice: November 2000

- E) Affect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Name: Jack Price  
Address: 524 S. Second Street  
Springfield, IL 62701  
Telephone: 217/782-1809

- G) Related rulemakings and other pertinent information: None

- 1) Part(s) (Heading and Code Citation): Youth Hunting Season for White-Tailed Deer - 17 Ill. Adm. Code 685

1) Rulemaking:

- A) Description: This Part contains the regulations for youth hunting of white-tailed deer.

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B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.24, 2.25, 2.26 and 3.16 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.24, 2.25, 2.26 and 3.16].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: November 2000

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Jack Price  
Address: 524 S. Second Street  
Springfield, IL 62701  
Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

m) Part(s) (Heading and Code Citation): Squirrel Hunting - 17 Ill. Adm. Code 690

1) Rulemaking:

A) Description: This Part contains the regulations for squirrel hunting.

B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: November 2000

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Jack Price  
Address: 524 S. Second Street  
Springfield, IL 62701  
Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

## DEPARTMENT OF NATURAL RESOURCES

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n) Part(s) (Heading and Code Citation): The Taking of Wild Turkeys - Spring Season - 17 Ill. Adm. Code 710

1) Rulemaking:

A) Description: This Part contains the regulations for turkey hunting for the spring season.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: September 2000

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Jack Price  
Address: 524 S. Second Street  
Springfield, IL 62701  
Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

o) Part(s) (Heading and Code Citation): The Taking of Wild Turkeys - Fall Gun Season - 17 Ill. Adm. Code 715

1) Rulemaking:

A) Description: This Part contains the regulations for turkey hunting for the fall gun season.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: November 2000

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:



## DEPARTMENT OF NATURAL RESOURCES

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Name: Jack Price  
Address: 524 S. Second Street  
Springfield, IL 62701  
Telephone: 217/782-1809

- C) Related rulemakings and other pertinent information: None
- p) Part(s) (Heading and Code Citation): The Taking of Wild Turkeys - Fall Archery Season - 17 Ill. Adm. Code 720
- 1) Rulemaking:
- A) Description: This Part contains the regulations for the taking of wild turkeys during fall archery season.
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: November 2000
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Jack Price  
Address: 524 S. Second Street  
Springfield, IL 62701  
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- q) Part(s) (Heading and Code Citation): Dove Hunting - 17 Ill. Adm. Code 730
- 1) Rulemaking:
- A) Description: This Part contains the regulations for dove hunting.
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].
- C) Scheduled meeting/hearing dates: None

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- D) Date agency anticipates First Notice: November 2000
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Name: Jack Price  
Address: 524 S. Second Street  
Springfield, IL 62701  
Telephone: 217/782-1809

- G) Related rulemakings and other pertinent information: None
- r) Part(s) (Heading and Code Citation): Crow, Woodcock, Snipe, Rail and Teal Hunting - 17 Ill. Adm. Code 740
- 1) Rulemaking:
- A) Description: This Part contains the regulations for hunting crow, woodcock, snipe, rail and teal.
- B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5] and Migratory Bird Hunting (50 CFR 20, August 25, 1987).
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: November 2000
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Jack Price  
Address: 524 S. Second Street  
Springfield, IL 62701  
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- s) Part(s) (Heading and Code Citation): Sport Fishing Regulations for the Waters of Illinois - 17 Ill. Adm. Code 810
- 1) Rulemaking:

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A) Description: This Part contains the regulations for sport fishing.

B) Statutory Authority: Implementing and authorized by Sections 1-120, 1-125, 1-150, 5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-80, 10-95, 15-50, 20-5, 20-35 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 15-50, 20-5, 20-35 and 25-5].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: November 2000

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Jack Price  
Address: 524 S. Second Street  
Springfield, IL 62701  
Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

t) Part(s) (Heading and Code Citation): Commercial Fishing and Musseling in Certain Waters of the State - 17 Ill. Adm. Code 830

1) Rulemaking:

A) Description: This Part contains the regulations for commercial fishing and musseling.

B) Statutory Authority: Implementing and authorized by Sections 1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35, and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35, and 25-5].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: November 2000

E) Affect on small businesses, small municipalities or not for profit corporations: None

DEPARTMENT OF NATURAL RESOURCES  
JULY 2000 REGULATORY AGENDA

F) Agency contact person for information:

Name: Jack Price  
Address: 524 S. Second Street  
Springfield, IL 62701  
Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

u) Part(s) (Heading and Code Citation): Fish Salvage - 17 Ill. Adm. Code 860

1) Rulemaking:

A) Description: This Part contains the regulations for removal of imperiled fish populations for personal consumption and/or for commercial sale of commercial species.

B) Statutory Authority: Implementing and authorized by Section 1-150 of the Fish and Aquatic Life Code [515 ILCS 5/1-150].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: November 2000

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Jack Price  
Address: 524 S. Second Street  
Springfield, IL 62701  
Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

v) Part(s) (Heading and Code Citation): Aquaculture, Transportation, Stocking, Importation and/or Possession of Aquatic Life - 17 Ill. Adm. Code 870

1) Rulemaking:

A) Description: This Part contains the regulations for aquaculture, transportation, stocking, importation and/or possession of aquatic life.

B) Statutory Authority: Implementing and authorized by

## DEPARTMENT OF NATURAL RESOURCES

## JULY 2000 REGULATORY AGENDA

Sections 1-20, 1-105, 1-125, 1-135, 1-140 and 1-145 of the Fish and Aquatic Life Code [515 ILCS 5/1-20, 1-105, 1-125, 1-135, 1-140 and 1-145].

- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: August 2000
- E) Affect on small businesses, small municipalities or not for profit corporations: Yes
- F) Agency contact person for information:
- |            |   |
|------------|---|
| Name:      | Jack Price                                    |
| Address:   | 524 S. Second Street<br>Springfield, IL 62701 |
| Telephone: | 217/782-1809                                  |
- G) Related rulemakings and other pertinent information: None

w) Part(s) (Heading and Code Citation): Fish Removal With Chemicals - 17 Ill. Adm. Code 890

1) Rulemaking:

A) Description: This Part contains the regulations for fish removal with chemicals.

B) Statutory Authority: Implementing and authorized by Sections 1-135, 1-150 and 5-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-135, 1-150 and 5-5].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: August 2000

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name:	Jack Price
Address:	524 S. Second Street Springfield, IL 62701
Telephone:	217/782-1809

G) Related rulemakings and other pertinent information: None

## DEPARTMENT OF NATURAL RESOURCES

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x) Part(s) (Heading and Code Citation): Ginseng Harvest Commerce Regulations - 17 Ill. Adm. Code 1580

1) Rulemaking:

A) Description: This Part contains regulations for Ginseng dealer, grower and harvester licenses.

B) Statutory Authority: Implementing and authorized by the Ginseng Harvesting Act [525 ILCS 20].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: September 2000

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name:	Jack Price
Address:	524 S. Second Street Springfield, IL 62701
Telephone:	217/782-1809

G) Related rulemakings and other pertinent information: None

y) Part(s) (Heading and Code Citation): Consignment of Licenses, Stamps and Permits - 17 Ill. Adm. Code 2520

1) Rulemaking:

A) Description: This Part contains rules for designated agents to sell licenses, stamps and permits on behalf of the Department.

B) Statutory Authority: Implementing and authorized by Sections 1.4, 3.1, 3.2, 3.37, 3.38 and 3.39 of the Wildlife Code [520 ILCS 5/1.4, 3.1, 3.2, 3.37, 3.38 and 3.39] and Sections 1-125, 20-5, 20-10, 20-30, 20-45, 20-55 and 20-120 of the Fish and Aquatic Life Code [515 ILCS 5/1-125, 20-5, 20-10, 20-30, 20-45, 20-55 and 20-120].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: August 2000

E) Affect on small businesses, small municipalities or not for

## DEPARTMENT OF NATURAL RESOURCES

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Profit corporations: Yes

## F) Agency contact person for information:

Name: Jack Price  
Address: 524 S. Second Street  
Springfield, IL 62701  
Telephone: 217/782-1809

## G) Related rulemakings and other pertinent information: None

## z) Part(s) (Heading and Code Citation): Department Formal Hearings Conducted for Rulemaking and Contested Cases - 17 Ill. Adm. Code 2530

## 1) Rulemaking:

A) Description: The rules in this Part govern the practices and procedures related to formal hearings conducted under the jurisdiction of the Department of Natural Resources, including but not limited to, hearings conducted for rulemaking, contested cases and revocation of licenses.

B) Statutory Authority: Implementing and authorized by Section 20-105 of the Fish and Aquatic Life Code [515 ILCS 5/20-105], Section 3.36 of the Wildlife Code [520 ILCS 5/30-105], Sections 4 and 5 of the Illinois Endangered Species Protection Act [520 ILCS 10/4 and 10/5], Section 3B-8 of the Boat Registration and Safety Act [625 ILCS 45/3B-8] and the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.] and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16], Section 1-125 of the Fish and Aquatic Life Code [515 ILCS 5/1-125], and Section 1.4 of the Wildlife Code [520 ILCS 5/1.4].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: September

E) Affect on small businesses, small municipalities or not for profit corporations: None

## F) Agency contact person for information:

Name: Jack Price  
Address: 524 S. Second Street  
Springfield, IL 62701  
Telephone: 217/782-1809

## DEPARTMENT OF NATURAL RESOURCES

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G) Related rulemakings and other pertinent information: None

## aa) Part(s) (Heading and Code Citation): Open Space Lands Acquisition and Development Program - 17 Ill. Adm. Code 3025

## 1) Rulemaking:

A) Description: The Open Space Lands Acquisition and Development Act (OSLAD) provides for grants to be disbursed by the Department of Natural Resources to eligible local governments for the purpose of acquiring, developing and/or rehabilitating lands for public outdoor recreation purposes.

B) Statutory Authority: Implementing and authorized by the Open Space Lands Acquisition and Development Act [525 ILCS 35].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: July 2000

E) Affect on small businesses, small municipalities or not for profit corporations: Yes

## F) Agency contact person for information:

Name: Jack Price  
Address: 524 S. Second Street  
Springfield, IL 62701  
Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

## bb) Part(s) (Heading and Code Citation): Incidental Take of Threatened and Endangered Species - 17 Ill. Adm. Code (New Part - Number Not Yet Assigned)

## 1) Rulemaking:

A) Description: This Part establishes the mechanism to permit taking of threatened and endangered species during construction or similar activities.

B) Statutory Authority: 520 ILCS 15/11

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: November 2000



## DEPARTMENT OF NATURAL RESOURCES

## JULY 2000 REGULATORY AGENDA

B) Affect on small businesses, small municipalities or not for profit corporations: Yes

F) Agency contact person for information:

Name: Jack Price  
Address: 524 S. Second Street  
Springfield, IL 62701  
Telephone: 217/782-1809

C) Related rulemakings and other pertinent information: None

cc) Part(s) (Heading and Code Citation): Designation of Natural Areas - 17 Ill. Adm. Code (New Part - Number Not Yet Assigned)

1) Rulemaking:

A) Description: This Part establishes criteria for designation of State Natural Areas

B) Statutory Authority: 525 ILCS 30/6.05

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: November

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Jack Price  
Address: 524 S. Second Street  
Springfield, IL 62701  
Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

dd) Part(s) (Heading and Code Citation): Illinois Oil and Gas Act - 62 Ill. Adm. Code 240

1) Rulemaking:

A) Description: These rules govern the plugging and restoration of oil wells.

B) Statutory Authority: Implementing and authorized by Sections 6 and 8a of the Illinois Oil and Gas Act [225 ILCS 725/6 and

## DEPARTMENT OF NATURAL RESOURCES

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8a).

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: July 2000

E) Affect on small businesses, small municipalities or not for profit corporations: Yes

F) Agency contact person for information:

Name: Peggy Witt  
Address: 524 S. Second Street  
Springfield, IL 62701  
Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

## DEPARTMENT OF NUCLEAR SAFETY

## JULY 2000 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Administrative Hearings, 32 Ill. Adm. Code 200

1) Rulemaking: Proposed Repealer

- A) Description: The Department is proposing to repeal this Part and replace it with a new Part 200. The Department is taking this action because it has determined that the requirements currently codified at 32 Ill. Adm. Code 200 are no longer consistent with the requirements imposed by the Radiation Protection Act of 1990. B) Statutory Authority: Implementing and authorized by Section 5-10(a)(1) of the Illinois Administrative Procedure Act [5 ILCS 100/5-10(a)(1) and Section 18 of the Radiation Protection Act of 1990 [420 ILCS 40].

- C) Scheduled meeting/hearing dates: None scheduled

- D) Date agency anticipates First Notice: September 2000

- E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Rose Miller  
Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, IL 62704  
(217) 785-9860 (voice)  
(217) 782-6133 (TDD)

- G) Related rulemakings and other pertinent information: None

- b) Part (Heading and Code Citation): Rules of Practice in Administrative Hearings, 32 Ill. Adm. Code 200

1) Rulemaking: Proposed Rule

- A) Description: This Part will replace the current Part 200. The Department is taking this action because it has determined that the requirements currently codified at 32 Ill. Adm. Code 200 are no longer consistent with the requirements imposed by the Radiation Protection Act of 1990.

- B) Statutory Authority: Implementing and authorized by Section 5-10(a)(1) of the Illinois Administrative Procedure Act [5

## DEPARTMENT OF NUCLEAR SAFETY

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- ILCS 100/5-10(a)(1) and Section 18 of the Radiation Protection Act of 1990 [420 ILCS 40].

- C) Scheduled meeting/hearing dates: None scheduled

- D) Date agency anticipates First Notice: September 2000

- E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Rose Miller  
Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, IL 62704  
(217) 785-9860 (voice)  
(217) 782-6133 (TDD)

- G) Related rulemakings and other pertinent information: None

- c) Part (Heading and Code Citation): Accrediting Persons in the Practice of Medical Radiation Technology, 32 Ill. Adm. Code 401

1) Rulemaking: Proposed Amendment

- A) Description: The Department is proposing this amendment to: (1) increase examination fees for limited diagnostic radiography accreditation; (2) add provisions for accreditation of limited bone densitometry; and (3) amend the nonrenewal of accreditation and civil penalty Sections of the rule.

- B) Statutory Authority: Implementing and authorized by Sections 5, 6, 7 and 36 of the Radiation Protection Act of 1990 [420 ILCS 40/5, 6, 7 and 36].

- C) Scheduled meeting/hearing dates: None scheduled

- D) Date agency anticipates First Notice: August 2000

- E) Affect on small businesses, small municipalities or not for profit corporations: The Department believes that these amendments will impact small businesses, such as small radiation installations where unaccredited persons are allowed to administer radiation to humans in violation of the Radiation Protection Act of 1990.

## DEPARTMENT OF NUCLEAR SAFETY

## JULY 2000 REGULATORY AGENDA

## F) Agency contact person for information:

Rose Miller  
Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, IL 62704  
(217) 785-9860 (voice)  
(217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: None

- d) Part (Heading and Code Citation): Access to Facilities for Treatment, Storage, or Disposal of Low-Level Radioactive Waste, 32 Ill. Adm. Code 609

## 1) Rulemaking: Proposed Rule

- A) Description: The Department is proposing this rulemaking to (1) delete the special reporting requirements; (2) eliminate the Transaction Reference Number as a requirement prior to shipment; (3) establish the Transaction Reference Number as a receipt of shipment information; and (4) modify the EDT file format and data dictionary.

- B) Statutory Authority: Implementing and authorized by Sections 8 and 9 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/8 and 9], the Radioactive Waste Tracking and Permitting Act [420 ILCS 37], the Central Midwest Low-Level Radioactive Waste Compact Act [45 ILCS 140], the Radioactive Waste Compact Enforcement Act [45 ILCS 141] and the federal Low-Level Radioactive Waste Policy Amendments Act of 1985 (P.L. 99-240).

- C) Scheduled meeting/hearing dates: None scheduled

- D) Date agency anticipates First Notice: July 2000

- E) Affect on small businesses, small municipalities or not for profit corporations: The Department believes that this rulemaking may affect small businesses and not for profit corporations licensed to use radioactive material. Small municipalities, as defined in Section 100/1-80 of the IAPA, and government agencies will not be affected by this Part.

F) Agency contact person for information:

Rose Miller  
Department of Nuclear Safety

## DEPARTMENT OF NUCLEAR SAFETY

## JULY 2000 REGULATORY AGENDA

1035 Outer Park Drive  
Springfield, IL 62704  
(217) 785-9860 (voice)  
(217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: None

## DEPARTMENT OF PUBLIC HEALTH

## JULY 2000 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Ambulatory Surgical Treatment Center Licensing Requirements, 77 Ill. Adm. Code 205

1) Rulemaking:

A) Description: Section 205.1330 (New construction, Additions and Major Alterations) will be amended to state that structural, mechanical, and electrical drawings may be executed by or be under the immediate supervision of a professional engineer registered in the State of Illinois.

B) Statutory Authority: Ambulatory Surgical Treatment Center Act (210 ILCS 5)

C) Scheduled meeting/hearing dates: These amendments were approved by the Ambulatory Surgical Treatment Center Licensing Board on May 31, 2000. The Department will schedule other meetings if requested or needed during first notice period.

D) Date agency anticipates First Notice: July 2000

E) Effect on small businesses, small municipalities, or not-for-profit corporations: The rulemaking may affect small businesses, small municipalities, or not-for-profit corporations.

F) Agency contact person for information:

Paul Thompson

Division of Legal Services

535 W. Jefferson, 5th Floor

Springfield, Illinois 62761

217/782-2043

G) Related rulemakings and other pertinent information: Related to rulemaking changes listed for the Hospital Licensing Requirements, 77 Ill. Adm. Code 250.

- b) Part(s) (Heading and Code Citation): Minimum Health Care Standards for Health Maintenance Organizations, 77 Ill. Adm. Code 240

1) Rulemaking:

A) Description: Cross-references Department duties under the Managed Care Reform and Patient Rights, 50 Ill. Adm. Code 5420, under the Managed Care Reform and Patient Rights Act, 215 ILCS 134.

B) Statutory Authority: Managed Care Reform and Patient Rights Act

## DEPARTMENT OF PUBLIC HEALTH

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(215 ILCS 134)

- C) Scheduled meeting/hearing dates: The Department will schedule meetings if requested or needed during first-notice period.

D) Date agency anticipates First Notice: September 2000

E) Effect on small businesses, small municipalities, or not-for-profit corporations: The rulemaking may affect small businesses, small municipalities, or not-for-profit corporations.

F) Agency contact person for information:

Paul Thompson

Division of Legal Services

535 W. Jefferson, 5th Floor

Springfield, Illinois 62761

217/782-2043

G) Related rulemakings and other pertinent information: No other related rulemakings or other pertinent information is available at this time.

- c) Part(s) (Heading and Code Citation): Illinois Home Health Agency Code, 77 Ill. Adm. Code 245

1) Rulemaking:

A) Description: Section 245.50 (Services) will be amended to allow an initial assessment by a therapist in circumstances where the physician has ordered only therapy services. Section 245.70 (Home Health Aide Training) will be amended to achieve consistency with the requirements for long-term care nursing assistants and to add requirements for the home health aide competency test. The rules are also being amended to clarify that a home health aide must be trained prior to employment.

- B) Statutory Authority: Home Health Agency Licensing Act (210 ILCS 55)

C) Scheduled meeting/hearing dates: These amendments have been reviewed by members of the Home Health Advisory Council. The Department will schedule other meetings if requested or needed during first notice period.

D) Date agency anticipates First Notice: July 2000

E) Effect on small businesses, small municipalities, or



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not-for-profit corporations: The rulemaking may affect small businesses, small municipalities, or not-for-profit corporations.

## F) Agency contact person for information:

Paul Thompson  
Division of Legal Services  
535 W. Jefferson, 5th Floor  
Springfield, Illinois 62761  
217/782-2043

G) Related rulemakings and other pertinent information: No other related rulemakings or other pertinent information is available at this time.

d) Part(s) (Heading and Code Citation): Hospital Licensing Requirements, 77 Ill. Adm. Code 250

## 1) Rulemaking:

A) Description: Section 250.2420 (Submission of Plans for New Construction, Alterations or Additions to Existing Facility) will be amended to revise requirements for submission of final drawings to the Department. Drawings will be submitted to the Department for review and approval prior to being issued for pricing. Department approval is null and void if construction contracts are not executed and construction is not started within one year of the plan approval date. Outdated references to codes that are incorporated in Section 250.160 will be deleted. Section 250.2430 (Preparation of Drawings and Specifications Submission Requirements) will be amended to permit structural, mechanical, and electrical drawings to be executed by or be under the immediate supervision of a Professional Engineer registered in the State of Illinois. Section 250.2440 (General Hospital Standards) will be amended to add requirements for Stage II Recovery Rooms. Section 250.2460 (Finishes) will be amended to revise criteria for ceiling finishes and to deleted outdated code references.

B) Statutory Authority: Hospital Licensing Act (210 ILCS 85)

C) Scheduled meeting/hearing dates: These amendments were approved by the Hospital Licensing Board on May 10, 2000. The Department will schedule other meetings if requested or needed during first notice period.

D) Date agency anticipates First Notice: July 2000

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E) Effect on small businesses, small municipalities, or not-for-profit corporations: The rulemaking may affect small businesses, small municipalities, or not-for-profit corporations.

## F) Agency contact person for information:

Paul Thompson  
Division of Legal Services  
535 W. Jefferson, 5th Floor  
Springfield, Illinois 62761  
217/782-2043

G) Related rulemakings and other pertinent information: Related rulemaking changes listed for the Ambulatory Surgical Treatment Center Licensing Requirements, 77 Ill. Adm. Code 205.

e) Part(s) (Heading and Code Citation): Assisted Living and Shared Housing Establishment Code, 77 Ill. Adm. Code 295

## 1) Rulemaking:

A) Description: These rules will implement Public Act 91-656, the Assisted Living and Shared Housing Act, effective January 1, 2001. The rules will include licensure procedures; personnel requirements, including the qualifications of the director; residents' rights; mandatory and optional services; provisions for Department monitoring and review; physical plant and environmental requirements; reporting requirements; provisions for emergency and disaster plans; requirements concerning medication administration; residency and termination of residency requirements; and requirements for service delivery contracts, record retention, resident assessment, and disclosure of information.

B) Statutory Authority: Assisted Living and Shared Housing Act, Public Act 91-656, effective January 1, 2001.

C) Scheduled meeting/hearing dates: These rules will be reviewed by the Assisted Living and Shared Housing Advisory Board. The Department will schedule other meetings if requested or needed during first notice period.

D) Date agency anticipates First Notice: January 2001

E) Effect on small businesses, small municipalities, or not-for-profit corporations: The rulemaking may affect small businesses, small municipalities, or not-for-profit corporations.

## DEPARTMENT OF PUBLIC HEALTH

## JULY 2000 REGULATORY AGENDA

F) Agency contact person for information:

Paul Thompson  
Division of Legal Services  
535 W. Jefferson, 5th Floor  
Springfield, Illinois 62761  
217/782-2043

- G) Related rulemakings and other pertinent information: No other related rulemakings or other pertinent information is available at this time.

F) Part(s) (Heading and Code Citation): Skilled Nursing and Intermediate Care Facilities Code, 77 Ill. Adm. Code 300; Sheltered Care Facilities Code, 77 Ill. Adm. Code 330; Illinois Veterans' Homes Code, 77 Ill. Adm. Code 340; Intermediate Care for the Developmentally Disabled Facilities Code, 77 Ill. Adm. Code 350; Long-Term Care for Under Age 22 Facilities Code, 77 Ill. Adm. Code 390.

1) Rulemaking:

- A) Description: In Part 300: The Registry of Certified Nurse Aides provisions will be amended to require nurse aides establishing equivalency from another state to successfully complete the written portion of the department-established competency test within 120 days after employment, and incident reporting will be outlined. In Parts 300, 330, 340, 350, and 390: (Communicable Disease Policies) will be amended to state that if the facility believes that it cannot provide the necessary infection control measures, it must initiate an involuntary transfer and discharge pursuant to Article III, Part 4 of the Act. The burden of proof will rest on the facility in determining whether a transfer or discharge is authorized. In Part 340: Section 340.1010 (Incorporated and Referenced Materials) will be amended to update incorporated materials and to add new federal requirements that were effective February 7, 2000. Section 340.1115 (Federal Veterans' Regulations) will be amended to update the list of federal regulations with which the facility must comply.

- B) Statutory Authority: Nursing Home Care Act [210 ILCS 45]

C) Scheduled meeting/hearing dates: These amendments were reviewed by the Long-Term Care Facility Advisory Board on April 4, 2000. The Department will schedule other meetings if requested or needed during first notice period.

- D) Date agency anticipates First Notice: July 2000

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- E) Effect on small business, small municipalities or not-for-profit corporations: The rulemaking may affect small businesses, small municipalities, or not-for-profit corporations.

F) Agency contact person for information:

Paul Thompson  
Division of Legal Services  
535 W. Jefferson, 5th Floor  
Springfield, Illinois 62761  
217/782-2043

- G) Related rulemakings and other pertinent information: No other related rulemakings or other pertinent information is available at this time.

G) Part(s) (Heading and Code Citation): Long-Term Care Assistants and Aides Training Programs Code, 77 Ill. Adm. Code 395

1) Rulemaking:

- A) Description: Section 395.160 (Instructor Requirements) will be amended to delete the provision that a teaching certificate cannot be a provisional certificate.

- B) Statutory Authority: Nursing Home Care Act [210 ILCS 45]

C) Scheduled meeting/hearing dates: These amendments were reviewed by the Long-Term Care Facility Advisory Board on April 4, 2000. The Department will schedule other meetings if requested or needed during first notice period.

- D) Date agency anticipates First Notice: July 2000

E) Effect on small business, small municipalities or not-for-profit corporations: The rulemaking may affect small businesses, small municipalities, or not-for-profit corporations.

F) Agency contact person for information:

Paul Thompson  
Division of Legal Services  
535 W. Jefferson, 5th Floor  
Springfield, Illinois 62761  
217/782-2043

- G) Related rulemakings and other pertinent information: No other related rulemakings or other pertinent information is available

## DEPARTMENT OF PUBLIC HEALTH

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at this time.

- h) Part(s) (Heading and Code Citation): Illinois Clinical Laboratories Code, 77 Ill. Adm. Code 450

1) Rulemaking:

- A) Description: Amendments will reflect changes in the Illinois Clinical Laboratory and Blood Bank Act, 210 ILCS 25, and changes in federal administration.

- B) Statutory Authority: Illinois Clinical Laboratory and Blood Bank Act [210 ILCS 25]

- C) Scheduled meeting/hearing dates: The Department will schedule meetings if requested or needed during first-notice period.

- D) Date agency anticipates First Notice: July 2000

- E) Effect on small business, small municipalities or not-for-profit corporations: The rulemaking may not affect small businesses, small municipalities, or not-for-profit corporations.

F) Agency contact person for information:

Paul Thompson  
Division of Legal Services  
535 W. Jefferson, 5th Floor  
Springfield, Illinois 62761  
217/782-2043

- G) Related rulemakings and other pertinent information: No other related rulemakings or other pertinent information is available at this time.

- i) Part(s) (Heading and Code Citation): Laboratory Service Fees, 77 Ill. Adm. Code 475

1) Rulemaking:

- A) Description: Amendments will update services and change fees.

- B) Statutory Authority: Section 2310-90 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-90]

- C) Scheduled meeting/hearing dates: The Department will schedule

## DEPARTMENT OF PUBLIC HEALTH

## JULY 2000 REGULATORY AGENDA

meetings if requested or needed during first notice period.

- D) Date agency anticipates First Notice: November 2000

- E) Effect on small business, small municipalities or not-for-profit corporations: The rulemaking may affect small businesses, small municipalities, or not-for-profit corporations opting for the services.

F) Agency contact person for information:

Paul Thompson  
Division of Legal Services  
535 W. Jefferson, 5th Floor  
Springfield, Illinois 62761  
217/782-2043

- G) Related rulemakings and other pertinent information: No other related rulemakings or other pertinent information is available at this time.

- j) Part(s) (Heading and Code Citation): Distribution of Medical Student Scholarship Payback Funds, 77 Ill. Adm. Code 594

1) Rulemaking:

- A) Description: Modifies payback provisions to reflect federal requirements.

- B) Statutory Authority: Illinois Family Practice Residency Act [110 ILCS 935/10]

- C) Scheduled meeting/hearing dates: The Department will schedule meetings if requested or needed during first notice period.

- D) Date agency anticipates First Notice: September 2000

E) Agency contact person for information:

Paul Thompson  
Division of Legal Services  
535 W. Jefferson, 5th Floor  
Springfield, Illinois 62761  
217/782-2043

- F) Effect on small business, small municipalities or not-for-profit corporations: The rulemaking may affect small businesses, small municipalities, or not-for-profit corporations.

## DEPARTMENT OF PUBLIC HEALTH

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- g) Related rulemakings and other pertinent information: No other related rulemakings or other pertinent information is available at this time.

k) Part(s) (Heading and Code Citation): Control of Communicable Diseases Code; 77 Ill. Adm. Code 690

1) Rulemaking:

- A) Description: Amendments will add certain diseases to the list of diseases required to be reported to public health agencies (i.e., invasive disease due to Streptococcus pneumoniae, antibiotic resistant S. pneumoniae infections, Q fever, ehrlichiosis, hepatitis C, campylobacteriosis, etc.) and other diseases will be deleted (i.e., animal bites, certain intestinal worms, etc.). Reporting requirements will be clarified and reporting time frames will be amended.

B) Statutory Authority: Communicable Disease Report Act (745 ILCS 45)

- C) Schedule of dates for hearings/meetings: Draft rules were sent to local health departments, laboratories, hospitals, and interest groups in 1999 and comments received were incorporated into the final draft. Public hearings will be scheduled if requested or deemed necessary by the Department.

D) Date agency anticipates first notice: December 2000

- E) Effect on Small Businesses, Small Municipalities, and Not-for-Profit Corporations: Medical laboratories and physicians' offices will need to report additional diseases of public health importance.

F) Agency contact person for information:

Paul Thompson  
Division of Legal Services  
535 W. Jefferson, 5th Floor  
Springfield, Illinois 62761  
217/782-2043

- G) Related rulemakings and other pertinent information: No other related rulemakings or other pertinent information is available at this time.

l) Part(s) (Heading and Code Citation): HIV/AIDS Confidentiality and Testing Code, 77 Ill. Adm. Code 697

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1) Rulemaking:

- A) Description: Permits preliminary release to patient of HIV test results using FDA approved ELISA test to prevent immediate transmission of infection in perinatal and occupational circumstances.

B) Statutory Authority: AIDS Confidentiality Act (410 ILCS 305)

- C) Scheduled meeting/hearing dates: June 2000 State Board of Health meeting. The Department will schedule other meetings if requested or needed during first notice period.

D) Date agency anticipates First Notice: September 2000

- E) Effect on small businesses, small municipalities, or not-for-profit corporations: The rulemaking may affect small businesses, small municipalities, or not-for-profit corporations.

F) Agency contact person for information:

Paul Thompson  
Division of Legal Services  
535 W. Jefferson, 5th Floor  
Springfield, Illinois 62761  
217/782-2043

- G) Related rulemakings and other pertinent information: No other related rulemakings or other pertinent information is available at this time.

m) Part(s) (Heading and Code Citation): Illinois Alzheimer's Disease and Related Disorders Assistance Code, 77 Ill. Adm. Code 710

1) Rulemaking:

- A) Description: Increases the funding limits for general research and early research grants; changes the reporting requirements from quarterly to semiannually.

B) Statutory Authority: Alzheimer's Disease Assistance Act (410 ILCS 405) and the Alzheimer's Disease Research Act (410 ILCS 410)

- C) Scheduled meeting/hearing dates: The Department will schedule meetings if requested or needed during first notice period.

D) Date agency anticipates First Notice: September 2000



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- E) Effect on small businesses, small municipalities, or not-for-profit corporations: The rulemaking may affect small businesses, small municipalities, or not-for-profit corporations.

F) Agency contact person for information:

Paul Thompson  
Division of Legal Services  
535 W. Jefferson, 5th Floor  
Springfield, Illinois 62761  
217/782-2043

- G) Related rulemakings and other pertinent information: No other related rulemakings or other pertinent information is available at this time.

- n) Part(s) (Heading and Code Citation): Grade A Pasteurized Milk and Milk Products, 77 Ill. Adm. Code 775

1) Rulemaking:

- A) Description: Updates standards provisions containing incorporations by reference.

- B) Statutory Authority: Grade A Pasteurized Milk and Milk Products Act [410 ILCS 635]

- C) Scheduled meeting/hearing dates: State Board of Health Meeting July 2000. The Department will schedule other meetings if requested or needed during first notice period.

- D) Date agency anticipates First Notice: September 2000

- E) Effect on small businesses, small municipalities, or not-for-profit corporations: The rulemaking may affect small businesses, small municipalities, or not-for-profit corporations.

F) Agency contact person for information:

Paul Thompson  
Division of Legal Services  
535 W. Jefferson, 5th Floor  
Springfield, Illinois 62761  
217/782-2043

- G) Related rulemakings and other pertinent information: No other related rulemakings or other pertinent information is available at this time.

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- o) Part(s) (Heading and Code Citation): Grade A Pasteurized Milk and Milk Products, 77 Ill. Adm. Code 775 Manufactured Dairy Products, 77 Ill. Adm. Code 785

1) Rulemaking:

- A) Description: Existing rules set forth a monetary penalty for drug residue violations to be paid by Illinois dairy producers. At the 1999 National Conference on Interstate Milk Shipments, changes were made to the U.S. Food and Drug Administration Grade A Pasteurized Milk Ordinance. This document is a model ordinance adopted by all 50 states, the District of Columbia and the U.S. Trust Territories for the uniform regulation of milk and milk products in interstate commerce. Recent changes in this document and drug testing requirements, make it necessary to change the procedure for assessing the monetary penalties. The proposed rulemaking would also lower the somatic cell count standard for manufactured milk to 750,000 somatic cells per milliliter for cow's milk and 1,000,000 for goat's milk. These levels will bring Illinois into compliance with national standards based on the USDA Recommended Requirements for Milk for Manufactured Purposes and its Production and Processing.

- B) Statutory Authority: Grade A Milk and Milk Products Act [410 ILCS 635]; Illinois Food, Drug and Cosmetic Act [410 ILCS 620]

- C) Schedule of meeting/hearing dates: Public meetings will be held with the regulated industry to discuss the proposed changes in July and August, 2000, prior to incorporation into the final draft. The final draft will be referred for review by the State Board of Health in September.

- D) Date agency anticipates first notice: September 2000

- E) Effect on small businesses, small municipalities, and not-for-profit corporations: This rulemaking will clarify procedures for documentation and assessment of drug residue monetary penalties. The changes will have minimal impact on dairy producers and processors. The somatic cell count standard of 750,000 somatic cells per milliliter is widely accepted in the industry. The changes will have minimal impact on dairy producers and processors.

F) Agency contact person for information:

Paul Thompson  
Division of Legal Services  
535 W. Jefferson, 5th Floor

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- G) Related rulemakings and other pertinent information: No other related rulemakings or other pertinent information is available at this time.

P) Part(s) (Heading and Code Citation): Illinois Formulary for the Drug Product Selection Program, 77 Ill. Adm. Code 790

1) Rulemaking:

- A) Description: Implements changes of Public Act 91-766 to administer generic drug substitution procedure with manufacturer notification and hearing.

B) Statutory Authority: Pharmacy Practice Act of 1987 (225 ILCS 85) and Illinois Food, Drug and Cosmetic Act (410 ILCS 620)

- C) Scheduled meeting/hearing dates: The Department will schedule meetings if requested or needed during first notice period.

D) Date agency anticipates First Notice: July 2000

- E) Effect on small business, small municipalities or not-for-profit corporations: The rulemaking may affect small businesses, small municipalities, or not-for-profit corporations.

F) Agency contact person for information:

Paul Thompson  
Division of Legal Services  
535 W. Jefferson, 5th Floor  
Springfield, Illinois 62761  
217/782-2043

- G) Related rulemakings and other pertinent information: No other related rulemakings or other pertinent information is available at this time.

Q) Part(s) (Heading and Code Citation): Narrow Therapeutic Index Drug Code, new Part

1) Rulemaking:

- A) Description: Implements changes of Public Act 91-699 mandating that the Department adopt a list of covered prescription drugs that meet the definition of a narrow therapeutic index drug.

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B) Statutory Authority: Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act [320 ILCS 25]

- C) Scheduled meeting/hearing dates: The Department will schedule meetings if requested or needed during first notice period.

D) Date agency anticipates First Notice: August 2000

- E) Effect on small business, small municipalities or not-for-profit corporations: The rulemaking may affect small businesses, small municipalities, or not-for-profit corporations.

F) Agency contact person for information:

Paul Thompson  
Division of Legal Services  
535 W. Jefferson, 5th Floor  
Springfield, Illinois 62761  
217/782-2043

- G) Related rulemakings and other pertinent information: No other related rulemakings or other pertinent information is available at this time.

R) Part(s) (Heading and Code Citation): Structural Pest Control Code, 77 Ill. Adm. Code 830

1) Rulemaking:

- A) Description: Modifies the avicide control program that prevents bird nuisances because the federal Environmental Protection Agency now prohibits the use of Fenthion. Changes will be made to reduce the paper burden for individuals filing applications to become licensed, registered, or certified to perform structural pest control.

B) Statutory Authority: Structural Pest Control Act, 225 ILCS 235, and Illinois Pesticide Act [415 ILCS 60]

- C) Scheduled meeting/hearing dates: Amendments will be reviewed by the State Board of Health in the second quarter of 2000. The Department will schedule other meetings if requested or needed during first notice period.

D) Date agency anticipates First Notice: September 2000

- E) Effect on small businesses, small municipalities, and

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not-for-profit corporations. The rulemaking may affect small businesses, small municipalities, or not-for-profit corporations.

F) Agency contact person for information:

Paul Thompson  
Division of Legal Services  
535 West Jefferson, Fifth Floor  
Springfield, Illinois 62761  
(217)782-2043

G) Related rulemakings and other pertinent information: No other related rulemakings or other pertinent information is available at this time.

s) Part(s) (Heading and Code Citation): Illinois Lead Poisoning Prevention Code, 77 Ill. Adm. Code 845

1) Rulemaking:

A) Description: Existing rules set forth requirements for lead training course providers to have Department approval to offer training in Illinois. The rules outline course materials required to be submitted for review and to be maintained by the training course provider. This rulemaking involves a number of revisions in the required information required to be maintained by the training course provider and submitted for approval by the Department. Amendments will further clarify the existing rule by establishing a requirement for a minimum amount of lead liability insurance for work performed pursuant to the Lead Poisoning Prevention Act and the Lead Poisoning Prevention Code. Amendments will add definitions and clarify the requirement already in place for laboratory sample analyses for environmental lead to be conducted by a laboratory accredited by the National Lead Laboratory Accreditation Program (NLLAP).

B) Statutory Authority: Lead Poisoning Prevention Act (410 ILCS 45)

C) Schedule of dates for hearings/meetings: The Department will schedule other meetings if requested or needed during first notice period.

D) Date Agency Anticipates First Notice: November 2000

E) Effect on Small Businesses, Small Municipalities, and Not-for-Profit Corporations: It is anticipated that the proposed changes will have minimum impact on lead training course providers.

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F) Agency contact person for information:

Paul Thompson  
Division of Legal Services  
535 W. Jefferson, 5th Floor  
Springfield, Illinois 62761  
217/782-2043

G) Related rulemakings and other pertinent information: No other related rulemakings or other pertinent information is available at this time.

t) Part(s) (Heading and Code Citation): Private Sewage Disposal Code; 77 Ill. Adm. Code 905; Surface Source Water Treatment Code; 77 Ill. Adm. Code 930

1) Rulemaking:

A) Description: The rules that specify standards for private sewage disposal systems and authorize the Department and local health departments to review plans for the installation of systems will be amended to update an incorporation by reference of NSF (National Sanitation Foundation) Standard 40, entitled "Residential Wastewater Treatment Systems". Authorizes the use of cartridge filtration as recognized by the National Sanitation Foundation.

B) Statutory Authority: Private Sewage Disposal Licensing Act (225 ILCS 225); Illinois Groundwater Protection Act (415 ILCS 55/9)

C) Scheduled meeting/hearing dates: State Board of Health, June 2000. The Department will schedule other meetings if requested or needed during first notice period.

D) Date agency anticipates First Notice: August 2000

E) Effect on small businesses, small municipalities, or not-for-profit corporations: The rulemaking may have an impact on small businesses, not-for-profit corporations, or small municipalities.

F) Agency contact person for information:

Paul Thompson  
Division of Legal Services  
535 W. Jefferson, 5th Floor  
Springfield, Illinois 62761  
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- G) Related rulemakings and other pertinent information: No other related rulemakings or other pertinent information is available at this time.

u) Part(s) (Heading and Code Citation): Health Care Professional Credentials Data Collection Code, new Part

1) Rulemaking:

- A) Description: Provides regulation of the use of standardized forms for medical credentialing.

B) Statutory Authority: Health Care Professional Credentials Data Collection Act [410 ILCS 517]

- C) Scheduled meeting/hearing dates: Health Care Credentials Council when appointed. The Department will schedule meetings if requested or needed during first notice period.

D) Date agency anticipates First Notice: July 2000

- E) Effect on small business, small municipalities or not-for-profit corporations: The rulemaking may affect small businesses, small municipalities, or not-for-profit corporations.

F) Agency contact person for information:

Paul Thompson  
Division of Legal Services  
535 W. Jefferson, 5th Floor  
Springfield, Illinois 62761  
217/782-2043

- G) Related rulemakings and other pertinent information: No other related rulemakings or other pertinent information is available at this time.

## ILLINOIS PURCHASED CARE REVIEW BOARD

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- a) Part(s) (Heading and Code Citation): Illinois Purchased Care Review Board; 89 Ill. Adm. Code 1450

1) Rulemaking:

- A) Description: This rulemaking will entail technical updating and revisions determined advisable by the responsible staff in the course of administering this program.

B) Statutory Authority: 105 ILCS 14-7.02

C) Scheduled meeting/hearing date: To be announced

D) Date agency anticipates First Notice: August 4, 2000

- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

F) Agency contact person for information:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777  
(217) 782-3950

- G) Related rulemakings and other pertinent information:



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a) Part(s) (Heading and Code Citation): Income Tax, 86 Ill. Adm. Code 1001) Rulemaking:

- A) Description: New rules will be added to Part 100 concerning the foreign tax credit against the income tax (ITRA Section 601(b)(3)), the tax credit for Tech Prep Youth Vocational Programs (ITRA Section 209), the Dependent Care Assistance Credit (ITRA Section 210), the election allowed for partnerships to pass investment credits through to their partners, the reallocation of items under ITRA Section 404, and the education expense credit under Public Act 91-0009.

Part 100 will be amended by the addition of rules defining "financial organization" within the meaning of 35 ILCS 5/1501(a)(8) as amended by P.A. 89-711. Part 100 will be amended by adding rules and amending existing rules governing the apportionment of business income under 35 ILCS 5/304.

Part 100 will be amended to update the provisions defining unitary business groups.

Part 100 will be amended to provide guidance for determining whether a nonresident has sufficient nexus to be subject to income taxation in Illinois.

Part 100 will be amended to clarify the rules governing the filing of composite returns by partnerships, Subchapter S corporations and Lloyds plans, and to provide guidance for the carryover of losses by partnerships and Subchapter S corporations.

Part 100 will be amended by adding rules providing guidance on the taxation of entities that are disregarded for federal income tax purposes, on the addition and subtraction modifications allowed in ITRA Section 203, on the credit for residential property taxes paid in ITRA Section 208 and on the issue of when a taxpayer is subject to tax in another state under ITRA Section 303(f).

Part 100 will be amended by adding rules implementing the "innocent spouse" relief enacted in Public Act 91-541. Part 100 will be amended by adding rules implementing ITRA Section 405.

Some rules changes will be made to Part 100, as a result of recent legislation, including legislation passed by the 91st

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General Assembly and signed by the Governor after the date of publication of this agenda. As a result of the adoption of P.A. 88-669, rules with respect to acceptance of substitute W-2s will be proposed. The Department will also amend Part 100 as the result of Federal Public Law 104-95 (prohibiting taxation of nonresidential retirement income). Pursuant to federal P.L. 104-95, Part 100 will be revised to clarify that nonresident retirement income is exempt.

Part 100 will be amended to clarify the documentation requirements for taxpayers claiming the training expense credit under Section 100.2150. Finally, the Department will continue the updating and correction of Part 100.

B) Statutory Authority: 35 ILCS 5/101 and 35 ILCS 5/1401

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 100 over the next six months. We anticipate filing rulemakings amending Part 100 on a regular basis during the next six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: These rulemakings will affect any business that incurs an income tax filing obligation.

F) Agency contact person for information:

Paul S. Caselton  
Deputy General Counsel - Income Tax  
Illinois Department of Revenue  
101 W. Jefferson, 5-500  
Springfield, IL 62794  
Telephone: (217) 782-7055

G) Related rulemakings and other pertinent information: None

b) Parts (Heading and Code Citation): Property Tax Code, 86 Ill. Adm. Code 110

1) Rulemaking:

- A) Description: New rules will be added to Part 110 regarding the valuation, assessment and taxation of leasehold estates and low-income housing projects. Part 110 will also be

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amended to correct forms in Section 110.115.

- B) Statutory Authority: 35 ILCS 200/9-195, 10-235, Art. 15
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing these rulemakings during the next six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations: These rulemakings will affect local assessing officials and any person or business entity (1) leasing tax-exempt real property, (2) paying property taxes on certain types of low-income housing projects, or (3) seeking a property tax exemption.
- F) Agency contact person for information: Jerry Lanter  
Property Tax Counsel  
Illinois Department of Revenue  
101 W. Jefferson 5-500  
Springfield, IL 62794  
Telephone: (217) 782-6996
- G) Related rulemakings and other pertinent information: None
- c) Parts (Heading and Code Citation): Real Estate Transfer Tax, 86 Ill. Adm. Code 120

## 1) Rulemaking:

- A) Description: Part 120 will be amended (1) to correct forms in Section 120.10, (2) to delete language made obsolete and redundant by the newly-adopted rulemaking, (3) to clarify procedures for the purchase of revenue stamps by records of deeds and registrars of title from the Department, and (4) to provide additional policy interpretations on common audit problems for taxpayers.

- B) Statutory Authority: 35 ILCS 200/31-1 through 31-70
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing both rulemakings during the next six months of this year.

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- E) Effect on small business, small municipalities or not for profit corporations: These rulemakings will affect any person or business entity transferring title to real estate unless specifically exempted under Section 31-45 of the Property Tax Code.

## F) Agency contact person for information:

Jerry Lanter  
Property Tax Counsel  
Illinois Department of Revenue  
101 W. Jefferson, 5-500  
Springfield, IL 62794  
(217) 782-6996

- G) Related rulemakings and other pertinent information: None
- d) Parts (Heading and Code Citation): Retailers' Occupation Tax, 86 Ill. Adm. Code 130

## 1) Rulemaking:

- A) Description: Amendments will be made to update the Retailers' Occupation Tax regulations to reflect new statutory developments and decisional law. Some of the highlights of these changes include:
1. Revision of Section 130.325 (graphic arts equipment exemption) to implement P.A. 91-541, which defines "graphic arts production" by reference to specific subsidiaries of the North American Industry Classification System (replaces the use of the U.S. Standard Industrial Classification System);
  2. Revision of Section 130.330 (Manufacturing Machinery and Equipment exemption) to explain taxation of chemicals used in manufacturing, to reference significant decisional law (Van's Materials, Zenith), and to clarify the exemption as it applies to the production or manufacture of food;
  3. Revision of Section 130.535 to reflect new quarter monthly filing thresholds, as well as new thresholds established for taxpayers required to make payments by Electronic Funds Transfer (both required by P.A. 91-541);
  4. A new regulation will be promulgated to clarify the

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scope of the new exemption (P.A. 91-0637) for tangible personal property purchased at fundraising events for the benefit of elementary or secondary schools;

5. Revision of Section 130.125 (Nontaxable Transactions) to implement the provisions of P.A. 91-439, which provides an exemption for not-for-profit arts or cultural organizations organized and operated for the presentation or support of arts or cultural programming, activities, or services;
6. Revision of Section 130.350 (coal exploration) to describe that certain above-ground equipment at coal mines qualifies for exemption;
7. Revision of Section 130.415 (transportation and delivery charges) to add examples; and
8. Revision of Section 130.2125 (trading stamps and discount coupons) to add examples.

B) Statutory Authority: 35 ILCS 120

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 130 over the next six months. We anticipate filing rulemakings amending Part 130 on a regular basis during the next six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: Small businesses that sell tangible personal property at retail will be affected by these regulations.

F) Agency contact person for information:

George Sorensen  
Deputy General Counsel - Sales and Excise Tax  
Illinois Department of Revenue  
101 W. Jefferson, 5-500  
Springfield, IL 62794  
Telephone: (217) 782-7054

G) Related rulemakings and other pertinent information: None

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e) Parts (Heading and Code Citation): Service Occupation Tax, 86 Ill. Adm. Code 140

1) Rulemaking:

A) Description: These rules are part of a general update of the Service Occupation Tax regulations to reflect new statutory developments and decisional law. Specifically, the regulations will detail the various methods available to servicemen to handle their liability, and examples will be provided for each approach. The availability of "flow-through" exemptions, as applicable to each of these methods, will be explained. The regulations will also reflect the new low rate applicable to entities licensed under the Child Care Act of 1969 (P.A. 91-541), as well as the new thresholds established for taxpayers required to make payments by Electronic Funds Transfer (P.A. 91-541). The Department will also continue the updating of Part 140.

B) Statutory Authority: 35 ILCS 115

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 140 over the next six months. We anticipate filing rulemakings amending Part 140 on a regular basis during the next six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: Servicemen transferring tangible personal property incident to service will be affected by these rules.

F) Agency contact person for information:

George Sorensen  
Deputy General Counsel - Sales and Excise Tax  
Illinois Department of Revenue  
101 W. Jefferson, 5-500  
Springfield, IL 62794  
Telephone: (217) 782-7054

G) Related rulemakings and other pertinent information: None

f) Parts (Heading and Code Citation): Use Tax, 86 Ill. Adm. Code 150

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## 1) Rulemaking:

A) Description: Amendments will be made to update the Use Tax regulations to reflect new statutory developments and decisional law. Many of the changes contemplated for the Retailers' Occupation Tax Act regulations will also be made for corresponding Use Tax Act regulations. In addition, the rolling stock provisions (Section 150.310) will be amended to reflect the provisions of P.A. 91-541, which provide that taxation of property reverting to a lessor (under a lease of one year or longer) shall be determined by the property's fair market value at the time of reversion, not to exceed the original purchase price of the property that was paid by the lessor. The regulation governing the use of signs to prove the collection of tax (Section 150.1310) will be amended to provide examples using current tax rates.

B) Statutory Authority: 35 ILCS 105

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 150 during the next six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: These amendments will affect persons subject to the Use Tax.

F) Agency contact person for information:

George Sorensen  
Deputy General Counsel - Sales and Excise Tax  
Illinois Department of Revenue  
101 W. Jefferson, 5-500  
Springfield, IL 62794  
Telephone: (217) 782-7054

G) Related rulemakings and other pertinent information: None

g) Parts (Heading and Code Citation): Service Use Tax, 86 Ill. Adm. Code 160

## 1) Rulemaking:

A) Description: Amendments will be made to update the Service Use Tax regulations to reflect new statutory developments

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and decisional law. Specifically, the regulations will explain the liabilities of service customers. These regulations will correspond to the Service Occupation Tax regulations, since the liabilities of service customers will generally be determined by the manner in which their service providers handle their tax liabilities. Examples will be provided for guidance.

B) Statutory Authority: 35 ILCS 110

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 160 during the next six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: These amendments will affect persons subject to the Service Use Tax.

F) Agency contact person for information:

George Sorensen  
Deputy General Counsel - Sales and Excise Tax  
Illinois Department of Revenue  
101 W. Jefferson, 5-500  
Springfield, IL 62794  
Telephone: (217) 782-7054

G) Related rulemakings and other pertinent information: None

h) Parts (Heading and Code Citation): Automobile Renting Occupation Tax, 86 Ill. Adm. Code 180

## 1) Rulemaking:

A) Description: Amendments will be made to update the Automobile Renting Occupation Tax regulations to reflect new statutory developments.

B) Statutory Authority: 35 ILCS 155

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 180 during the next six months of



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this year.

- E) Effect on small business, small municipalities or not for profit corporations: These rulemakings will affect persons subject to the Automobile Renting Occupation and Use Tax Act.

F) Agency contact person for information:

George Sorensen  
Deputy General Counsel - Sales and Excise Taxes  
Illinois Department of Revenue  
101 W. Jefferson, 5-500  
Springfield, IL 62794  
Telephone: (217) 782-7054

- G) Related rulemakings and other pertinent information: None

i) Parts (Heading and Code Citation): Home Rule Municipal Retailers' Occupation Tax, 86 Ill. Adm. Code 270

1) Rulemaking:

- A) Description: Amendments will be made to update the Home Rule Municipal Retailers' Occupation Tax regulations to reflect the provisions of P.A. 90-689, which allow local government entities to impose, discontinue or change the rate of tax twice a year rather than once a year.

B) Statutory Authority: 65 ILCS 5

- C) Scheduled meetings/hearing dates: No schedule has been established at this time.

- D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 270 during the next six months of this year.

- E) Effect on small business, small municipalities or not for profit corporations: These amendments will affect persons subject to the Home Rule Municipal Retailers' Occupation Tax.

F) Agency contact person for information:

George Sorensen  
Deputy General Counsel - Sales and Excise Tax  
Illinois Department of Revenue

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101 W. Jefferson, 5-500  
Springfield, IL 62794  
Telephone: (217) 782-6996

- G) Related rulemakings and other pertinent information: None
- j) Parts (Heading and Code Citation): Regional Transportation Authority Retailers' Occupation Tax, 86 Ill. Adm. Code 320

1) Rulemaking:

- A) Description: Amendments will be made to update the Regional Transportation Authority Retailers' Occupation Tax regulations concerning sales of coal.

B) Statutory Authority: 70 ILCS 3615

- C) Scheduled meetings/hearing dates: No schedule has been established at this time.

- D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 320 during the next six months of this year.

- E) Effect on small business, small municipalities or not for profit corporations: These amendments will affect persons subject to the Regional Transportation Authority Retailers' Occupation Tax.

F) Agency contact person for information:

George Sorensen  
Deputy General Counsel - Sales and Excise Tax  
Illinois Department of Revenue  
101 W. Jefferson, 5-500  
Springfield, IL 62794  
Telephone: (217) 782-7054

- G) Related rulemakings and other pertinent information: None
- k) Parts (Heading and Code Citation): Metro East Mass Transit District Retailers' Occupation Tax, 86 Ill. Adm. Code 370

1) Rulemaking:

- A) Description: Amendments will be made to update the Metro East Mass Transit District Retailers' Occupation Tax regulations concerning sales of coal.

## DEPARTMENT OF REVENUE

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- B) Statutory Authority: 70 ILCS 3605
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 370 during the next six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations: These amendments will affect persons subject to the Metro East Mass Transit District Retailers' Occupation Tax.
- F) Agency contact person for information:  
George Sorensen  
Deputy General Counsel - Sales and Excise Tax  
Illinois Department of Revenue  
101 W. Jefferson 5-500  
Springfield, IL 62794  
Telephone: (217) 782-7054
- G) Related rulemakings and other pertinent information: None
- 1) Parts (Heading and Code Citation): Hotel Operators' Occupation Tax, 86 Ill. Adm. Code 480
- 1) Rulemaking:  
Description: Amendments will be made to update the Hotel Operators' Occupation Tax regulations.
- B) Statutory Authority: 35 ILCS 145
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 480 during the next six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations: These amendments will affect persons subject to the Hotel Operators' Occupation Tax.
- F) Agency contact person for information:  
George Sorensen  
Deputy General Counsel - Sales and Excise Tax  
Illinois Department of Revenue  
101 W. Jefferson, 5-500  
Springfield, IL 62794  
Telephone: (217) 782-7054
- G) Related rulemakings and other pertinent information: None

## DEPARTMENT OF REVENUE

## JULY 2000 REGULATORY AGENDA

- George Sorensen  
Deputy General Counsel - Sales and Excise Tax  
Illinois Department of Revenue  
101 W. Jefferson, 5-500  
Springfield, IL 62794  
Telephone: (217) 782-7054
- G) Related rulemakings and other pertinent information: None
- m) Parts (Heading and Code Citation): Telecommunications Excise Tax, 86 Ill. Adm. Code 495
- 1) Rulemaking:  
Description: The rules will be amended to clarify both current statutory provisions and Department policy. Many new technologies have evolved since the Act was established, and the manner in which these technologies are taxed can be clarified in the rules. In addition, the regulations will be amended to reflect the imposition of the tax and the filing of returns and the provisions of P.A. 91-0541, which provide for annual filing. Also, a regulation clarifying the definition of "service address" is contemplated.
- B) Statutory Authority: 35 ILCS 630
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 495 during the next six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations: Retailers of telecommunications will be affected by these regulations.
- F) Agency contact person for information:  
George Sorensen  
Deputy General Counsel - Sales and Excise Tax  
Illinois Department of Revenue  
101 W. Jefferson, 5-500  
Springfield, IL 62794  
Telephone: (217) 782-7054
- G) Related rulemakings and other pertinent information: None

## DEPARTMENT OF REVENUE

## JULY 2000 REGULATORY AGENDA

- n) Parts (Heading and Code Citation): Motor Fuel Tax, 86 Ill. Adm. Code 500

1) Rulemaking:

- A) Description: Amendments will be made to update the Motor Fuel Tax regulations to define the term, "air carrier affiliate," as that term is used in administration of the Underground Storage Tank tax on receivers. Amendments may also be made to provisions governing the dyed diesel program, as issues arise in regard to its administration.

- B) Statutory Authority: 35 ILCS 505

- C) Scheduled meetings/hearing dates: No schedule has been established at this time.

- D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 500 over the next six months. We anticipate filing rulemakings amending Part 500 on a regular basis during the second six months of this year.

- E) Effect on small business, small municipalities or not for profit corporations: Distributors, suppliers and receivers of motor fuel, as well as persons paying Motor Fuel Use Tax under the International Fuel Tax Agreement.

- F) Agency contact person for information:

George Sorensen  
Deputy General Counsel - Sales and Excise Tax  
Illinois Department of Revenue  
101 W. Jefferson, 5-500  
Springfield, IL 62794  
Telephone: (217) 782-0996

- G) Related rulemakings and other pertinent information: None
- o) Parts (Heading and Code Citation): Electricity Excise Tax, 86 Ill. Adm. Code 511 (New Part)

1) Rulemaking:

- A) Description: New regulations will be added to implement the provisions of the Electricity Excise Tax Law (P.A. 90-561).

- B) Statutory Authority: 35 ILCS 640

## DEPARTMENT OF REVENUE

## JULY 2000 REGULATORY AGENDA

- C) Scheduled meetings/hearing dates: No schedule has been established at this time.

- D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 511 during the next six months of this year.

- E) Effect on small business, small municipalities or not for profit corporations: These amendments will affect persons subject to the Electricity Excise Tax.

- F) Agency contact person for information:

George Sorensen  
Deputy General Counsel - Sales and Excise Tax  
Illinois Department of Revenue  
101 W. Jefferson, 5-500  
Springfield, IL 62794  
Telephone: (217) 782-7054

- G) Related rulemakings and other pertinent information: None
- p) Parts (Heading and Code Citation): Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act, 86 Ill. Adm. Code 530

1) Rulemaking:

- A) Description: Part 530 will be amended to update rules as a result of Public Act 91-699.

- B) Statutory Authority: 320 ILCS 25/1 through 13 C) Scheduled meetings/hearing dates: No schedule has been established at this time.

- D) Date agency anticipates First Notice: We anticipate filing this rulemaking during the next six months of this year.

- E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will affect any person seeking benefits under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act.

- F) Agency contact person for information:

## DEPARTMENT OF REVENUE

## JULY 2000 REGULATORY AGENDA

Jerry Lanter  
Property Tax Counsel  
Illinois Department of Revenue  
101 W. Jefferson, 5-500  
Springfield, IL 62794  
(217) 782-6996

G) Related rulemakings and other pertinent information: None

- q) Parts (Heading and Code Citation): Special County Retailers' Occupation Tax For Public Safety, 86 Ill. Adm. Code 670

1) Rulemaking:

- A) Description: Amendments will be made to update the Special County Retailers' Occupation Tax For Public Safety regulations to reflect the provisions of P.A. 90-669, which allow local government entities to impose, discontinue or change the rate of tax twice a year rather than once a year.

B) Statutory Authority: 55 ILCS 5

- C) Scheduled meetings/hearing dates: No schedule has been established at this time.

- D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 670 during the next six months of this year.

- E) Effect on small business, small municipalities or not for profit corporations: These amendments will affect persons subject to the Special County Retailers' Occupation Tax For Public Safety.

F) Agency contact person for information:

George Sorensen  
Associate Chief Counsel  
Illinois Department of Revenue  
101 W. Jefferson, 5-500  
Springfield, IL 62794  
Telephone: (217) 782-6996

G) Related rulemakings and other pertinent information: None

- r) Parts (Heading and Code Citation): Salem Civic Center Retailers' Occupation Tax, 86 Ill. Adm. Code 690

## DEPARTMENT OF REVENUE

## JULY 2000 REGULATORY AGENDA

1) Rulemaking:

- A) Description: Amendments will be made to update the Salem Civic Center Retailers' Occupation Tax regulations concerning sales of coal.

B) Statutory Authority: 70 ILCS 335

- C) Scheduled meetings/hearing dates: No schedule has been established at this time.

- D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 690 during the next six months of this year.

- E) Effect on small business, small municipalities or not for profit corporations: These amendments will affect persons subject to the Salem Civic Center Retailers' Occupation Tax.

F) Agency contact person for information:

George Sorensen  
Associate Chief Counsel  
Illinois Department of Revenue  
101 W. Jefferson, 5-500  
Springfield, IL 62794  
Telephone: (217) 782-6996

- G) Related rulemakings and other pertinent information: None
- s) Parts (Heading and Code Citation): Non-Home Rule Municipal Retailers' Occupation Tax, 86 Ill. Adm. Code 693 (New Part)

1) Rulemaking:

- A) Description: New regulations will be added to implement the provisions of the Non-Home Rule Municipal Retailers' Occupation Tax Act (P.A. 91-0649).

B) Statutory Authority: 65 ILCS 5

- C) Scheduled meetings/hearing dates: No schedule has been established at this time.

- D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 693 during the next six months of this year.



## DEPARTMENT OF REVENUE

## JULY 2000 REGULATORY AGENDA

- E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will affect persons subject to the Non-Home Rule Municipal Retailers' Occupation Tax.

F) Agency contact person for information:

George Sorensen  
Deputy General Counsel - Sales and Excise Tax  
Illinois Department of Revenue  
101 W. Jefferson, 5-500  
Springfield, IL 62794  
Telephone: (217) 782-7054

- G) Related rulemakings and other pertinent information: None

- t) Parts (Heading and Code Citation): Non-Home Rule Municipal Service Occupation Tax, 86 Ill. Adm. Code 694 (New Part)

1) Rulemaking:

- A) Description: New regulations will be added to implement the provisions of the Non-Home Rule Municipal Service Occupation Tax Act (P.A. 91-0649).

- B) Statutory Authority: 65 ILCS 5

- C) Scheduled meetings/hearing dates: No schedule has been established at this time.

- D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 694 during the next six months of this year.

- E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will affect persons subject to the Non-Home Rule Municipal Service Occupation Tax.

F) Agency contact person for information:

George Sorensen  
Deputy General Counsel - Sales and Excise Tax  
Illinois Department of Revenue  
101 W. Jefferson, 5-500  
Springfield, IL 62794  
Telephone: (217) 782-7054

## DEPARTMENT OF REVENUE

## JULY 2000 REGULATORY AGENDA

- C) Related rulemakings and other pertinent information: None
- u) Parts (Heading and Code Citation): County Motor Fuel Tax, 86 Ill. Adm. Code 695 (New Part)

1) Rulemaking:

- A) Description: New regulations will be added to implement the provisions of the County Motor Fuel Tax Law.

- B) Statutory Authority: 55 ILCS 5

- C) Scheduled meetings/hearing dates: No schedule has been established at this time.

- D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 695 during the next six months of this year.

- E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will affect persons subject to the County Motor Fuel Tax.

F) Agency contact person for information:

George Sorensen  
Deputy General Counsel - Sales and Excise Tax  
Illinois Department of Revenue  
101 W. Jefferson, 5-500  
Springfield, IL 62794  
Telephone: (217) 782-7054

- G) Related rulemakings and other pertinent information: None

## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

## JULY 2000, REGULATORY AGENCY

- a) Part(s) (Heading and Code Citation): The Administration and Operation of the State Employees' Retirement System of Illinois (80 Ill. Adm. Code 1540)

1) Rulemaking:

A) Description: Amends Section 1540.150 Proof of Dependency to define a dependent for purposes of receiving a reversionary annuity. Amends Section 1540.250 Payments To Establish Credit for Service For Which Contributions are Permitted as the result of passage of House Bill 1583 to included 1540.250 e). This bill now allows a member to remarry after retirement and qualify the spouse for the survivor's annuity. In order to do so the member must repay the survivor annuity refund received at retirement plus interest. The rule provides that if the member is in the process of repaying the refund on an installment basis and dies, the balance may be paid within thirty days to qualify the spouse for the survivor annuity. Amends Section 1540.330 Board Elections with technical changes for the upcoming 2001 Board of Trustees Election. Adds Section 1540.350 QILDR0 to establish rules for processing a Qualified Illinois Domestic Relations Order (QILDR0).

B) Statutory Authority: 40 ILCS 5/14-135.03

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice:

Section 1540.150	July 15, 2000
Section 1540.250	July 15, 2000
Section 1540.330	July 15, 2000
Section 1540.350	September 15, 2000

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Michael L. MorY,  
Executive Secretary  
State Employees' Retirement System of Illinois  
P.O. Box 19255 - 2101 South Veterans Parkway  
Springfield, Illinois 62794-9255  
1-217-785-7444

G) Related rulemakings and other pertinent information: None

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## JULY 2000 REGULATORY AGENCY

- a) Part(s) (Heading and Code Citation): The Administration and Operation of the Teachers' Retirement System, 80 Ill. Adm. Code 1650

1) Rulemaking:

A) Description: The Teachers' Retirement System ("System") anticipates amending and adding rules in order to clarify issues concerning compliance with applicable law, including implementation of Qualified Illinois Domestic Relations Order legislation, and administration of System's payroll deduction program.

B) Statutory Authority: Implementing and authorized by Article 1 and Article 16 of the Illinois Pension Code (40 ILCS 5/Art. 16).

C) Scheduled meeting/hearing dates: There is no proposed schedule of dates for meetings/hearings at this time.

D) Date agency anticipates First Notice: Unknown

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Thomas S. Gray, Assistant General Counsel  
Teachers' Retirement System  
2815 West Washington  
P.O. Box 19253  
Springfield, Illinois 62794-9253  
(217) 753-0375

G) Related rulemakings and other pertinent information: The System has no current rulemaking in progress.

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER  
ROOM 16-503  
CHICAGO, ILLINOIS  
10:30 A.M.  
JULY 18, 2000

**NOTICES:** Due to Register submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting.

*It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:*

*Joint Committee on Administrative Rules  
700 Stratton Office Building  
Springfield, Illinois 62706*

**RULEMAKINGS SCHEDULED FOR JCAR REVIEW**

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

**PROPOSED RULEMAKINGS**Banks and Real Estate

1. Disclosure of Confidential Supervisory Information (38 Ill Adm Code 325)
  - First Notice Published: 24 Ill Reg 6466 - 4/21/00
  - Expiration of Second Notice: 7/28/00

Capital Development Board

2. Selection of Architects/Engineers (A/E) (44 Ill Adm Code 1000)
  - First Notice Published: 24 Ill Reg 6627 - 4/28/00
  - Expiration of Second Notice: 7/27/00

Children and Family Services

3. Children's Product Safety (89 Ill Adm Code 386)
  - First Notice Published: 24 Ill Reg 5036 - 3/31/00
  - Expiration of Second Notice: 8/13/00

4. Return of Runaway Children (89 Ill Adm Code 329)

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

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- First Notice Published: 24 Ill Reg 1755 - 2/4/00
  - Expiration of Second Notice: 7/19/00
5. Licensing Standards for Foster Family Homes (89 Ill Adm Code 402)
    - First Notice Published: 24 Ill Reg 5063 - 3/31/00
    - Expiration of Second Notice: 8/13/00
  6. Licensing Standards for Group Homes (89 Ill Adm Code 403)
    - First Notice Published: 24 Ill Reg 5073 - 3/31/00
    - Expiration of Second Notice: 8/13/00
  7. Licensing Standards for Child Care Institutions and Maternity Centers (89 Ill Adm Code 404)
    - First Notice Published: 24 Ill Reg 5042 - 3/31/00
    - Expiration of Second Notice: 8/13/00
  8. Licensing Standards for Day Care Homes (89 Ill Adm Code 406)
    - First Notice Published: 24 Ill Reg 5058 - 3/31/00
    - Expiration of Second Notice: 8/13/00
  9. Licensing Standards for Day Care Centers (89 Ill Adm Code 407)
    - First Notice Published: 24 Ill Reg 5047 - 3/31/00
    - Expiration of Second Notice: 8/13/00
  10. Licensing Standards for Group Day Care Homes (89 Ill Adm Code 408)
    - First Notice Published: 24 Ill Reg 5068 - 3/31/00
    - Expiration of Second Notice: 8/13/00
  11. Licensing Standards for Youth Emergency Shelters (89 Ill Adm Code 410)
    - First Notice Published: 24 Ill Reg 5077 - 3/31/00
    - Expiration of Second Notice: 8/13/00

Commerce Commission

12. Electric Reliability (83 Ill Adm Code 411)
  - First Notice Published: 24 Ill Reg 1429 - 1/28/00
  - Expiration of Second Notice: 7/28/00

13. Standards of Service for Local Exchange Telecommunications Carriers (83 Ill Adm Code 730)
  - First Notice Published: 24 Ill Reg 2884 - 2/25/00
  - Expiration of Second Notice: 7/22/00

Education

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER  
ROOM 16-503  
CHICAGO, ILLINOIS  
10:30 A.M.  
JULY 18, 2000

14. Public Schools Evaluation, Recognition and Supervision (23 Ill Adm Code 1)
    - First Notice Published: 24 Ill Reg 5812 - 4/7/00
    - Expiration of Second Notice: 8/6/00
  15. Certification (23 Ill Adm Code 25)
    - First Notice Published: 24 Ill Reg 4302 - 3/24/00
    - Expiration of Second Notice: 8/6/00
  16. Repeal of Special Education (23 Ill Adm Code 226)
    - First Notice Published: 23 Ill Reg 10617 - 9/3/99
    - Expiration of Second Notice: 8/22/00
  17. Special Education (23 Ill Adm Code 226)
    - First Notice Published: 23 Ill Reg 10693 - 9/3/99
    - Expiration of Second Notice: 8/22/00
- Environmental Protection Agency
18. General Procedures for Emissions Tests Averaging (35 Ill Adm Code 283)
    - First Notice Published: 24 Ill Reg 204 - 1/7/00
    - Expiration of Second Notice: 8/13/00
  19. Brownfields Redevelopmental Loan Program (35 Ill Adm Code 886)
    - First Notice Published: 24 Ill Reg 7067 - 5/12/00
    - Expiration of Second Notice: 8/12/00
- Governor's Ethic Commission
22. Rules Governing Commission Meetings and Hearings (2 Ill Adm Code 1610)
    - First Notice Published: 24 Ill Reg 3 - 1/3/00
    - Expiration of Second Notice: 8/6/00
- Guardianship and Advocacy Commission
23. Public Information, Rulemaking and Organization (2 Ill Adm Code 1875)
    - First Notice Published: 24 Ill Reg 4382 - 3/24/00
    - Expiration of Second Notice: 8/6/00
  24. Americans with Disabilities Act Grievance Procedure (4 Ill Adm Code 850)
    - First Notice Published: 24 Ill Reg 4354 - 3/24/00
    - Expiration of Second Notice: 8/6/00

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER  
ROOM 16-503  
CHICAGO, ILLINOIS  
10:30 A.M.  
JULY 18, 2000

25. Fee Schedule for the Office of the State Guardian (59 Ill Adm Code 301)
    - First Notice Published: 24 Ill Reg 4359 - 3/24/00
    - Expiration of Second Notice: 8/6/00
  26. Human Rights Authority (59 Ill Adm Code 310)
    - First Notice Published: 24 Ill Reg 4372 - 3/24/00
    - Expiration of Second Notice: 8/6/00
- Human Services
27. Public Information, Rulemaking, Department Organization (2 Ill Adm Code 1175)
    - First Notice Published: 24 Ill Reg 2573 - 2/18/00
    - Expiration of Second Notice: 8/12/00
  28. Access to Public Records (2 Ill Adm Code 1176)
    - First Notice Published: 24 Ill Reg 2551 - 2/18/00
    - Expiration of Second Notice: 8/12/00
  29. Aid to the Aged, Blind or Disabled (89 Ill Adm Code 113)
    - First Notice Published: 24 Ill Reg 949 - 1/21/00
    - Expiration of Second Notice: 8/12/00
  30. Related Program Provisions (89 Ill Adm Code 117)
    - First Notice Published: 24 Ill Reg 6633 - 4/28/00
    - Expiration of Second Notice: 8/10/00
  31. Administration of Social Service Programs (89 Ill Adm Code 130)
    - First Notice Published: 24 Ill Reg 3993 - 3/17/00
    - Expiration of Second Notice: 8/23/00
  32. Developmental Disabilities Services (89 Ill Adm Code 144)
    - First Notice Published: 24 Ill Reg 6244 - 4/14/00
    - Expiration of Second Notice: 7/23/00
  33. Services (89 Ill Adm Code 590)
    - First Notice Published: 24 Ill Reg 6635 - 4/28/00
    - Expiration of Second Notice: 8/12/00
- Natural Resources
34. Public Use of State Parks and Other Properties Owned by the Department of Natural Resources (17 Ill Adm Code 110)
    - First Notice Published: 24 Ill Reg 6848 - 5/5/00



## JOINT COMMITTEE ON ADMINISTRATIVE RULES

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-Expiration of Second Notice: 8/4/00

35. Cock Pheasant, Hungarian Partridge, Bobwhite Quail and Rabbit Hunting (17 Ill Adm Code 530)

-First Notice Published: 24 Ill Reg 7124 - 5/12/00  
-Expiration of Second Notice: 8/12/00

36. Duck, Goose and Coot Hunting (17 Ill Adm Code 590)

-First Notice Published: 24 Ill Reg 6809 - 5/5/00  
-Expiration of Second Notice: 8/4/00

Professional Regulation

37. Clinical Psychologist Licensing Act (68 Ill Adm Code 1400)

-First Notice Published: 24 Ill Reg 5870 - 4/7/00  
-Expiration of Second Notice: 7/27/00

Public Aid

38. Children's Health Insurance Program (89 Ill Adm Code 125)

-First Notice Published: 24 Ill Reg 5607 - 3/31/00  
-Expiration of Second Notice: 8/5/00

39. Hospital Services (89 Ill Adm Code 148)

-First Notice Published: 24 Ill Reg 4053 - 3/17/00  
-Expiration of Second Notice: 8/2/00

40. Hospital Services (89 Ill Adm Code 148)

-First Notice Published: 24 Ill Reg 5631 - 3/31/00  
-Expiration of Second Notice: 8/10/00

Public Health

41. Postsurgical Recovery Care Center Demonstration Program Code (77 Ill Adm Code 210)

-First Notice Published: 24 Ill Reg 4160 - 3/17/00  
-Expiration of Second Notice: 7/29/00

42. Children's Respite Care Center Demonstration Program Code (77 Ill Adm Code 260)

-First Notice Published: 24 Ill Reg 4795 - 3/24/00  
-Expiration of Second Notice: 7/29/00

43. Subacute Care Hospital Demonstration Program Code (77 Ill Adm Code 270)

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER  
ROOM 16-503  
CHICAGO, ILLINOIS  
10:30 A.M.  
JULY 18, 2000

-First Notice Published: 24 Ill Reg 4918 - 3/24/00  
-Expiration of Second Notice: 7/29/00

44. Rules and Regulations to Carry Out Provisions of Titles XVIII and XIX of the Social Security Act Relating to Skilled Nursing and Intermediate Care Facilities (77 Ill Adm Code 420)

-First Notice Published: 24 Ill Reg 6364 - 4/14/00  
-Expiration of Second Notice: 7/29/00

45. Illinois Vital Records Code (77 Ill Adm Code 500)

-First Notice Published: 24 Ill Reg 3728 - 3/10/00  
-Expiration of Second Notice: 7/21/00

46. Freestanding Emergency Center Demonstration Program Code (77 Ill Adm Code 518)

-First Notice Published: 24 Ill Reg 4805 - 3/24/00  
-Expiration of Second Notice: 7/29/00

47. Lawn Irrigation Contractor and Lawn Sprinkler System Registration Code (77 Ill Adm Code 892)

-First Notice Published: 24 Ill Reg 4158 - 3/17/00  
-Expiration of Second Notice: 3/17/00

Racing Board

48. Rulemaking (2 Ill Adm Code 2250)

-First Notice Published: 24 Ill Reg 7168 - 5/12/00  
-Expiration of Second Notice: 8/10/00

49. Appeal of Public Information, Rulemaking and Organization (2 Ill Adm Code 2250)

-First Notice Published: 24 Ill Reg 7161 - 5/12/00  
-Expiration of Second Notice: 8/10/00

50. Public Information (2 Ill Adm Code 2251)

-First Notice Published: 24 Ill Reg 7156 - 5/12/00  
-Expiration of Second Notice: 8/10/00

51. Repeal of Access to Information of the Illinois Racing Board (2 Ill Adm Code 2251)

-First Notice Published: 24 Ill Reg 7145 - 5/12/00  
-Expiration of Second Notice: 8/10/00

52. Claiming Races (11 Ill Adm Code 510)

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER  
ROOM 16-503  
CHICAGO, ILLINOIS  
10:30 A.M.  
JULY 18, 2000

53. Starter Allowance Races (11 Ill Adm Code 719)  
-First Notice Published: 24 Ill Reg 7154 - 5/12/00  
-Expiration of Second Notice: 8/10/00
54. Entries, Subscriptions, and Declarations (11 Ill Adm Code 1413)  
-First Notice Published: 24 Ill Reg 6860 - 5/5/00  
-Expiration of Second Notice: 8/4/00

Revenue

55. Income Tax (86 Ill Adm Code 100)  
-First Notice Published: 24 Ill Reg 6637 - 4/28/00  
-Expiration of Second Notice: 7/30/00
56. Vehicle Use Tax (86 Ill Adm Code 151)  
-First Notice Published: 24 Ill Reg 6869 - 5/5/00  
-Expiration of Second Notice: 8/10/00

57. Automobile Renting Occupation Tax (86 Ill Adm Code 180)  
-First Notice Published: 24 Ill Reg 3092 - 2/25/00  
-Expiration of Second Notice: 8/2/00
58. Telecommunications Excise Tax (86 Ill Adm Code 495)  
-First Notice Published: 24 Ill Reg 6864 - 5/5/00  
-Expiration of Second Notice: 8/10/00

Secretary of State

59. School Bus Driver Permit (92 Ill Adm Code 1035)  
-First Notice Published: 24 Ill Reg 5885 - 4/7/00  
-Expiration of Second Notice: 7/27/00

State Fire Marshal

60. Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances (41 Ill Adm Code 170)  
-First Notice Published: 24 Ill Reg 3959 - 3/17/00  
-Expiration of Second Notice: 8/2/00

State Toll Highway Authority

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER  
ROOM 16-503  
CHICAGO, ILLINOIS  
10:30 A.M.  
JULY 18, 2000

61. State Toll Highway Rules (92 Ill Adm Code 2520)  
-First Notice Published: 24 Ill Reg 2644 - 2/18/00  
-Expiration of Second Notice: 7/19/00
62. State Toll Highway Rules (92 Ill Adm Code 2520)  
-First Notice Published: 24 Ill Reg 4178 - 3/17/00  
-Expiration of Second Notice: 7/21/00

Transportation

63. Business Logo Signing Program (92 Ill Adm Code 542)  
-First Notice Published: 23 Ill Reg 10922 - 9/10/99  
-Expiration of Second Notice: 8/13/00

Treasurer

64. College Savings Pool (23 Ill Adm Code 2500)  
-First Notice Published: 24 Ill Reg 6389 - 4/14/00  
-Expiration of Second Notice: 8/12/00

EMERGENCY AND PREEMPTORY RULEMAKINGSAgriculture

65. Illinois Bovidae and Cervidae Tuberculosis Eradication Act (8 Ill Adm Code 80) (Emergency)  
-Notice Published: 24 Ill Reg 8613 - 6/23/00

66. Illinois Pseudorabies Control Act (8 Ill Adm Code 115) (Emergency)  
-Notice Published: 24 Ill Reg 8620 - 6/23/00

67. Swine Disease Control and Eradication Act (8 Ill Adm Code 105) (Emergency)  
-Notice Published: 24 Ill Reg 8625 - 6/23/00

Human Services

68. Administration (59 Ill Adm Code 101) (Emergency)  
-Notice Published: 24 Ill Reg 9205 - 6/30/00
69. Grants (59 Ill Adm Code 103) (Emergency)  
-Notice Published: 24 Ill Reg 9263 - 6/30/00
70. Award and Monitoring of Funds (77 Ill Adm Code 2030) (Emergency)

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER  
ROOM 16-503  
CHICAGO, ILLINOIS  
10:30 A.M.  
JULY 18, 2000

- Notice Published: 24 Ill Reg 9211 - 6/30/00
71. Fiscal/Administrative Recordkeeping and Requirements (89 Ill Adm Code 509) (Emergency)  
-Notice Published: 24 Ill Reg 9250 - 6/30/00
72. Grants and Grant Recovery (89 Ill Adm Code 511) (Emergency)  
-Notice Published: 24 Ill Reg 9278 - 6/30/00
73. Criteria for the Evaluation of Programs of Services in Community Rehabilitation Agencies (89 Ill Adm Code 530) (Emergency)  
-Notice Published: 24 Ill Reg 9245 - 6/30/00
- Secretary of State
74. Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill Adm Code 1040) (Emergency)  
-Notice Published: 24 Ill Reg 8398 - 6/16/00
75. Commercial Driver Training Schools (92 Ill Adm Code 1060) (Emergency)  
-First Notice Published: 24 Ill Reg 8403 - 6/16/00

**EXEMPT RULEMAKINGS**Pollution Control Board

76. Vehicle Scrappage Activities (35 Ill Adm Code 207)  
-Proposed Date: 2/14/00  
-Adopted Date: 6/14/00
77. RCRA Permit Program (35 Ill Adm Code 703)  
-Proposed Date: 3/24/00  
-Adopted Date: 6/20/00
78. Hazardous Waste Management System: General (35 Ill Adm Code 720)  
-Proposed Date: 3/24/00  
-Adopted Date: 6/20/00
79. Identification and Listing of Hazardous Waste (35 Ill Adm Code 721)  
-Proposed Date: 3/24/00  
-Adopted Date: 6/20/00

80. Standards Applicable to Generators of Hazardous Waste (35 Ill Adm Code 722)

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER  
ROOM 16-503  
CHICAGO, ILLINOIS  
10:30 A.M.  
JULY 18, 2000

- Proposed Date: 3/24/00  
-Adopted Date: 6/20/00
81. Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill Adm Code 724)  
-Proposed Date: 3/24/00  
-Adopted Date: 6/20/00
82. Interim Status Standards for Owners and Operators of Hazardous Waste Treatment,  
Storage, and Disposal Facilities (35 Ill Adm Code 725)  
-Proposed Date: 3/24/00  
-Adopted Date: 6/20/00
83. Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (35 Ill Adm Code 726)  
-Proposed Date: 3/24/00  
-Adopted Date: 6/20/00
84. Land Disposal Restrictions (35 Ill Adm Code 728)  
-Proposed Date: 3/24/00  
-Adopted Date: 6/20/00
85. Standards for Universal Waste Management (35 Ill Adm Code 733)  
-Proposed Date: 3/24/00  
-Adopted Date: 6/20/00

**AGENCY RESPONSE**

86. Pharmacy Practice Act of 1987 (68 Ill Adm Code 1330; 23 Ill Reg 12344)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of June 27, 2000 through July 3, 2000 and have been scheduled for review by the Committee at its July 18, 2000 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
8/10/00	Department of Public Aid, Hospital Services (89 Ill Adm Code 148)	3/31/00 5631	7/18/00
8/10/00	Illinois Racing Board, Starter Allowance Races (11 Ill Adm Code 719)	5/12/00 24 Ill Reg 7154	7/18/00
8/10/00	Illinois Racing Board, Rulemaking (2 Ill Adm Code 2250)	5/12/00 24 Ill Reg 7168	7/18/00
8/10/00	Illinois Racing Board, Repeal of Public Information, Rulemaking and Organization (2 Ill Adm Code 2250)	5/12/00 24 Ill Reg 7161	7/18/00
8/10/00	Illinois Racing Board, Public Information (2 Ill Adm Code 2251)	5/12/00 24 Ill Reg 7156	7/18/00
8/10/00	Illinois Racing Board, Repeal of Access to Information of the Illinois Racing Board (2 Ill Adm Code 2251)	5/12/00 24 Ill Reg 7145	7/18/00
8/10/00	Department of Revenue, Vehicle Use Tax (86 Ill Adm Code 151)	5/5/00 24 Ill Reg 6869	7/18/00
8/10/00	Department of Revenue, Telecommunications Excise Tax (86 Ill Adm Code 495)	5/5/00 24 Ill Reg 6864	7/18/00

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

8/10/00	Department of Human Services, Related Program Provisions (89 Ill Adm Code 117)	4/28/00 24 Ill Reg 6633	7/18/00
8/12/00	Department of Natural Resources, Cock Pheasant, Hungarian Partridge, Bobwhite Quail and Rabbit Hunting (17 Ill Adm Code 530)	5/12/00 24 Ill Reg 7124	7/18/00
8/12/00	Department of Human Services, Aid to the Aged, Blind or Disabled (89 Ill Adm Code 113)	1/21/00 24 Ill Reg 949	7/18/00
8/12/00	Environmental Protection Agency, Brownfields Redevelopment Loan Program (35 Ill Adm Code 886)	5/12/00 24 Ill Reg 7067	7/18/00
8/12/00	Office of the Treasurer, College Savings Pool (23 Ill Adm Code 2500)	4/14/00 24 Ill Reg 6389	7/18/00
8/12/00	Department of Human Services, Services (89 Ill Adm Code 590)	4/28/00 24 Ill Reg 6635	7/18/00
8/13/00	Environmental Protection Agency, General Procedures for Emissions Tests Averaging (35 Ill Adm Code 283)	1/7/00 24 Ill Reg 204	7/18/00
8/13/00	Department of Children and Family Services, Children's Product Safety (89 Ill Adm Code 386)	3/31/00 24 Ill Reg 5036	7/18/00
8/13/00	Department of Children and Family Services, Licensing Standards for Foster Family Homes (89 Ill Adm Code 402)	3/31/00 24 Ill Reg 5063	7/18/00
8/13/00	Department of Children and Family Services, Licensing Standards for Group Homes (89 Ill Adm Code 403)	3/31/00 24 Ill Reg 5073	7/18/00
8/13/00	Department of Children and Family Services, Licensing Standards for Child Care Institutions and Maternity Centers (89 Ill Adm Code 404)	3/31/00 24 Ill Reg 5042	7/18/00



JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

8/13/00	Department of Children and Family Services, Licensing Standards for Day Care Homes (89 Ill Adm Code 406)	3/31/00 24 Ill Reg 5058	7/18/00
8/13/00	Department of Children and Family Services, Licensing Standards for Day Care Centers (89 Ill Adm Code 407)	3/31/00 24 Ill Reg 5047	7/18/00
8/13/00	Department of Children and Family Services, Licensing Standards for Group Day Care Homes (89 Ill Adm Code 408)	3/31/00 24 Ill Reg 5068	7/18/00
8/13/00	Department of Children and Family Services, Licensing Standards for Youth Emergency Shelters (89 Ill Adm Code 410)	3/31/00 24 Ill Reg 5077	7/18/00
8/13/00	Department of Transportation, Business Logo Signing Program (92 Ill Adm Code 542)	9/10/99 23 Ill Reg 10922	7/18/00

## EXECUTIVE ORDERS

2000-12

Executive Order Dealing With The Illinois Science And Technology  
Advisory Committee

WHEREAS, Illinois has long recognized the importance of making full use of its unparalleled, private and public sector scientific and technological resources to maximize the benefits of the Technology Revolution and Information Age for the benefit of its economy and the well being of its citizens; and

WHEREAS, in 1988, Governor James R. Thompson established by Executive Order #2 (1988), the Governor's Commission on Science and Technology; and

WHEREAS, Governor Jim Edgar, created the Governor's Science and Advisory Committee by Executive Order #10 (1991); and

WHEREAS, in 1997, Governor Edgar issued Executive Order #3 (1997) abolishing the Governor's Science Advisory Committee and replacing it with the Illinois Science and Technology Advisory Committee;

WHEREAS, the People of Illinois appreciate the service and able advice and counsel provided by the Illinois Science and Technology Committee during its tenure,

WHEREAS, as we enter the new millennium, Illinois must act decisively and aggressively to take advantage of the myriad new and rapidly evolving challenges and opportunities afforded by the explosive growth of new and expanding technologies,

WHEREAS, my Administration is committed to creating a forum to bring together the extensive and unique science and technology resources of this State to meet today's needs and provide an environment in Illinois to foster emerging technologies and establish a leadership position in the country and globally in the forefront of progress and innovation;

WHEREFORE, I, George H. Ryan, hereby order the following:

1. The Chief Technology Officer in the Office of the Governor is directed to promptly consult with leaders of science, technology, business and academic institutions and other venues, as appropriate, to develop a proposal for creation of a new technology advisory committee specifically constituted to maximize Illinois' ability to meet the challenges and take advantage of the opportunities of the new economy.
2. Executive Order #3 (1997) is hereby repealed.
3. This Executive Order shall be effective immediately.

Issued by the Governor May 21, 2000.  
Filed with the Secretary of State May 21, 2000.

## PROCLAMATIONS

2000-323

## SPECIAL SESSION OF 91ST GENERAL ASSEMBLY CALLED BY GOVERNOR

WHEREAS, during the month of June, 2000, retail gasoline prices have increased dramatically and disproportionately throughout Illinois and other Midwestern states, and in some portions of Illinois now exceed \$2 per gallon; and

WHEREAS, these price increases are causing hardships on the citizens of Illinois, especially those on fixed incomes; and

WHEREAS, high retail gasoline prices could jeopardize Illinois' future economic growth and estimates show that high gasoline prices could drain approximately \$1 billion from Illinois' robust economy through increased consumer prices and added transportation costs; and

WHEREAS, the United States Environmental Protection Agency has not responded to repeated requests to suspend new gasoline production rules, an action that the United States House of Representatives Committee on Science indicates would lower retail gasoline prices in Illinois by 25 cents to 50 cents per gallon; and

WHEREAS, federal action to determine the cause of these apparently unjustified retail price increases or an increase in oil production output by oil producing nations will come too late to help Illinois consumers cope with the current energy emergency; and

WHEREAS, energy experts cannot predict with any certainty whether retail gasoline prices will increase or decrease in the foreseeable future; and

WHEREAS, it is essential that some relief be granted to Illinois consumers immediately; and

WHEREAS, our bordering sister state of Indiana has acted to reduce retail prices by temporarily suspending some taxes on gasoline sales, which raises the possibility of similar action by our other sister states in the Midwest and threatens the competitiveness of Illinois retailers; and

WHEREAS, the 91st General Assembly is not scheduled to convene prior to November, 2000;

THEREFORE, pursuant to Article IV, Section 5(b) of the Illinois Constitution of 1970, I, George H. Ryan, Governor of the State of Illinois, hereby call and convene the 91st General Assembly in special session to commence on June 28, 2000 at 5:00 P.M., to address the fuel price emergency by considering Senate Bill 1310 for the sole purpose of temporarily suspending the State government's portion of the occupation and use taxes on motor fuel and gasoline for the period of July 1, 2000 until January 1, 2001.

Issued by the Governor June 22, 2000.

Filed by the Secretary of State June 22, 2000.

2000-324

## THE CARR FAMILY DAY

WHEREAS, Al and Perry Carr have facilitated positive relations with the Cook County Development Department resulting in Community Development Block Grants to cover costs of accessibility renovations in over 60 Seguin's CIAA homes, securing over \$3,000,000 in very low interest loans for expansion of housing from 160 low income people with disabilities, and continued property

tax exemptions on Seguin properties in Cook County; and

WHEREAS, the Carr's have paved the way for acceptance of Seguin participants by local communities; and

WHEREAS, Al and Perry have provided countless hours of volunteer time to Seguin, participating in various "Open Houses" and encouraging government leadership in promoting acceptance of these new homes; and

WHEREAS, the Carr family has contributed significant personal financial support for the Seguin cause, and helped to bring additional support to Seguin from other sources; and

WHEREAS, each June, Seguin Services Incorporated honors members of the community who support the organization's work on behalf of people with disabilities, and this year's theme is, "We Thanks Our Lucky Star;" and

WHEREAS, on June 29, Seguin will bestow an extraordinary and unprecedented honor on the Carr Family at the Chicago Motor Speedway by naming their Administrative and Program Center located in Cicero "The Carr Center"; proclaim

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 29, 2000, as THE CARR FAMILY DAY in Illinois.

Issued by the Governor June 15, 2000.

Filed by the Secretary of State June 26, 2000.

2000-325

## COST OF GOVERNMENT DAY

WHEREAS, economic growth and the creation of new jobs are essential to securing a prosperous future for the citizens of Illinois and United States; and

WHEREAS, federal, State and local governments are working to remove unnecessary regulations, to remove those that prevent development, impede individuals, or hold back the growth of communities; and

WHEREAS, this administration has always recognized that the private sector of the economy, and not government, is the engine of economic growth and job creation; and

WHEREAS, combined tax and regulatory burdens serve to repress the economic development necessary to secure a more prosperous future for the citizens of Illinois as well as the citizens of the United States; and

WHEREAS, Cost of Government Day calculates the calendar date by which the average American has earned enough gross income to pay for all direct and indirect taxes and the cost of regulations; and

WHEREAS, since its inception in 1993, Cost of Government Day has become a highly visible and popular vehicle for bringing the issue of big government to the public's attention;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 16, 2000, as COST OF GOVERNMENT DAY in Illinois.

Issued by the Governor June 16, 2000.

Filed by the Secretary of State June 26, 2000.

2000-326

## CAROL SMITH HOFFMAN DAY

WHEREAS, Carol Ann Smith came to Fairbury, Illinois, in 1963, fresh from graduation from Illinois State Normal University and with the intent to complete a two-year teaching commitment in business education at

Fairbury-Cropey High School before moving on to new challenges; and  
 WHEREAS, Carol never left Fairbury, having met and married local farmer Paul Hoffman, with whom she had three children; and  
 WHEREAS, Carol took a sabbatical from full-time teaching in 1967 to raise her family, only to return to the occupation she loved in 1977; and

WHEREAS, Carol has overseen her curriculum involvement to meet the changing needs of the business community -- from typewriting on manual typewriters and shorthand to keyboarding on computers and business law; and  
 WHEREAS, Mrs. Hoffman has provided relevant and interesting educational opportunities for her students over the course of her career -- bringing back former students as guest speakers to discuss their career paths; helping students compose resumes for review and use in interviews by actual corporate human resource personnel; taking students on tours of area corporations, courts, jails and other potential work sites; coaching and leading students in statewide competitions assessing their business skills; and promoting involvement in the community through interviews of nursing home residents; and

WHEREAS, the Department of Public Aid is working closely with the Departments of Human Services, Public Health and Children and Family Services, and other state agencies as well as community groups to increase the number of children for whom paternity is established;  
 THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 2000 as CHILD SUPPORT AWARENESS MONTH in Illinois.  
 Issued by the Governor June 20, 2000.  
 Filed by the Secretary of State June 26, 2000.

WHEREAS, the Department of Public Aid is working closely with the Departments of Human Services, Public Health and Children and Family Services, and other state agencies as well as community groups to increase the number of children for whom paternity is established;  
 THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 2000 as CHILD SUPPORT AWARENESS MONTH in Illinois.  
 Issued by the Governor June 20, 2000.  
 Filed by the Secretary of State June 26, 2000.

WHEREAS, the Department of Public Aid is working closely with the Departments of Human Services, Public Health and Children and Family Services, and other state agencies as well as community groups to increase the number of children for whom paternity is established;  
 THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 2000 as CHILD SUPPORT AWARENESS MONTH in Illinois.  
 Issued by the Governor June 20, 2000.  
 Filed by the Secretary of State June 26, 2000.

WHEREAS, the Department of Public Aid is working closely with the Departments of Human Services, Public Health and Children and Family Services, and other state agencies as well as community groups to increase the number of children for whom paternity is established;  
 THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 2000 as CHILD SUPPORT AWARENESS MONTH in Illinois.  
 Issued by the Governor June 20, 2000.  
 Filed by the Secretary of State June 26, 2000.

WHEREAS, the Department of Public Aid is working closely with the Departments of Human Services, Public Health and Children and Family Services, and other state agencies as well as community groups to increase the number of children for whom paternity is established;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 2000 as CHILD SUPPORT AWARENESS MONTH in Illinois.

Issued by the Governor June 20, 2000.

Filed by the Secretary of State June 26, 2000.

#### 2000-327

##### IBEW DAY

WHEREAS, International Brotherhood of Electrical Workers, Local 134, under the progressive and dynamic leadership of Mike Fitzgerald is celebrating its Centennial Anniversary from June 20th through July 15, 2000; and  
 WHEREAS, this outstanding labor organization, dedicated to serving the people of the Chicago metropolitan area and protecting the rights of its 18,000 members of families has made immeasurable contributions to the development of Chicago; and

WHEREAS, as we enter the 21st century and Third Millennium which promises to be one of great scientific discovery, the members of Local 134 will help translate new inventions into practical solutions to make people's lives better and more rewarding; and

WHEREAS, in gratitude for the outstanding efforts and significant contributions of Local 134 to the State of Illinois, IBEW and its members over the past 100 years;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 15, 2000 as IBEW DAY in Illinois.

Issued by the Governor June 19, 2000.

Filed by the Secretary of State June 26, 2000.

#### 2000-328

##### CHILD SUPPORT AWARENESS MONTH

WHEREAS, Illinois recognizes that our children are our future and their well-being is our highest priority; and

WHEREAS, the Department of Public Aid has been given the responsibility of providing child support services to all Illinois families; and

WHEREAS, Illinois recognizes that children need strong family support. Illinois works to focus attention on the needs of fathers as well as mothers; and

WHEREAS, Illinois Child Support is working in collaboration with Head Start and Child Care agencies statewide to assure that children receive the emotional and financial support of both parents, their extended families, and their communities so that they can grow up in a nurturing environment; and

WHEREAS, Illinois is taking the lead in many national child support initiatives to help Illinois families gain independence; and

WHEREAS, the Department of Public Aid is working closely with the Departments of Human Services, Public Health and Children and Family Services, and other state agencies as well as community groups to increase the number of children for whom paternity is established;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 2000 as CHILD SUPPORT AWARENESS MONTH in Illinois.

Issued by the Governor June 20, 2000.

Filed by the Secretary of State June 26, 2000.

#### 2000-329

##### CHRISTIAN HERITAGE WEEK

WHEREAS, the Preamble of the Constitution of the State of Illinois states that the People of the State of Illinois are "grateful to Almighty God for the civil, political and religious liberty which He has permitted us to enjoy and seeking His blessing upon our endeavors;" and

WHEREAS, the Constitution of Illinois guarantees freedom of religious speech and worship to all citizens; and

WHEREAS, Illinois is richly blessed in natural beauty and natural resources, reflecting its natural beauty; and

WHEREAS, the week of Thanksgiving is an appropriate time to center attention on our thanks to God for His great and good providence and for one's faith, which is part of Illinois' history;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois proclaim November 19-25, 2000, as CHRISTIAN HERITAGE WEEK in Illinois.

Issued by the Governor June 20, 2000.

Filed by the Secretary of State June 26, 2000.

#### 2000-330

##### YORK COMMUNITY HIGH SCHOOL BOYS TRACK TEAM DAY

WHEREAS, the members of the 2000 York Community High School Boy's Track Team have enjoyed an outstanding championship season, capturing the school's first state track title in 61 years on May 27th, 2000 at the Class AA finals in Charleston; and

WHEREAS, the team victory of 70 points represents the second highest point

total in State history; and

WHEREAS, under the leadership of Coach Joe Newton, York this season became the first school in State history to win titles in both cross-country and track in the same school year; and

WHEREAS, senior Donald Sage won both the 3,200 meters and the 1,600 meters, marking the first time in history a Class AA runner has won the distance double back-to-back, setting a new national and State record in the 3,200 and a new school record in the 1,600; and

WHEREAS, the Duke's 3,200 relay team broke national records in both indoor and outdoor competition; and

WHEREAS, this track title is the first team victory in the 41-year tenure of Coach Joe Newton, leaving an unforgettable legacy in his last season as track coach for York High School; and

WHEREAS, team members Tony DiCianini, Joe Fisher, Adam Palumbo, Donald Sage, Kevin Lawrence, Terre Mastino, John Janulis, Pete Cioni, Peter Stasiulis, Dan Dziubski, John Casey, Bobby Ginnelle, Dan Sloan, Ben Wallick, Adam Roche, Matt Keifer, Tim Hobbs, Rob Harley, Neal Wilson, Mike Gassman, Chris Bischof, Gus Walecha, team managers Ben Hubalik and Tony Pavlovsky, coaches Joe Newton, Stan Reddel, Charlie Kern, Tom LaRocca, Tom Newton and Vito "Fido" Purpura, together with their team doctor, Dr. John Durkin, and his assistants Kevin Moore and Alberta Murnane, with the support of Principal Linda Yonke and Athletic Director Steve Lawrence, have demonstrated extraordinary determination and commitment in their quest to capture the state title for York; and

WHEREAS, this victory is shared by the families, friends, and entire student body of York Community High School, who have supported the team all season;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 27, 2000, as YORK COMMUNITY HIGH SCHOOL BOYS TRACK TEAM DAY in Illinois.

Issued by the Governor June 20, 2000.

Filed by the Secretary of State June 26, 2000.

Rules acted upon during the calendar quarter from Issue 17 through Issue 29 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 2500 published in Issue 1 will be listed as 50-2500-1. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-762-4414 or [info@ic.adcode.state.il.us](mailto:info@ic.adcode.state.il.us) on the Internet.

# PROPOSED

80-310.023.29	11-321-20	86-680-24
80-330.24	11-510-20	86-720-24
80-331-22	11-1312-20	86-770-25
83-200-23	11-1413-20	89-10-23
83-2251-20	14-130-20	89-102-29
83-727-26	14-140-20	89-120-20
83-760-20	14-527-19	89-121-29
83-761-23	17-510-27	89-140-29
83-762-23	17-550-27	89-146-25
83-763-23	17-570-27	89-170-29
83-766-23	17-580-27,29	89-176-29
83-767-23	17-581-27	89-177-29
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86-151-19	17-680-27	89-340-36
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86-630-27	17-720-27	89-411-28
89-501.72.28	17-730-27	89-507-89
89-510.18.28	17-740-27	89-679-17
89-120-29	17-850-27	89-682-32
89-130-27	17-851-27	89-683-29
89-146-27,29	20-1280-27	89-686-31,29
89-153-29	20-1282-27	89-830-27
89-301-17	20-1560-25	92-1000-19
89-331-26	23-25-20	92-1030-19
89-511-27	23-220-26	
89-530-27	23-350-20	
89-567-29	23-350-20	
89-590.18.29	23-2700-27	
89-590.28	23-2720-27	
89-600-28	23-2730-27	
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89-620-38	23-2746-27	
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89-620-40	23-2748-27	
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89-620-44	23-2752-27	
89-620-45	23-2753-27	
89-620-46	23-2754-27	
89-620-47	23-2755-27	
89-620-48	23-2756-27	
89-620-49	23-2757-27	
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89-620-55	23-2763-27	
89-620-56	23-2764-27	
89-620-57	23-2765-27	
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89-620-93	23-2801-27	
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89-620-95	23-2803-27	
89-620-96	23-2804-27	
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C - Notice of Corrections	PP - Peremptory or Court Ordered Rules
CC - Codification Changes	PR - Proposed Repealer
E - Emergency Rule	R - Refusal to meet JCAR* Objection
ER - Emergency Repealer	RC - Statement of Recommendation
M - Modification to meet JCAR*	S - Suspension ordered by JCAR*
O - JCAR* Statement of Objections	W - Withdrawal to meet JCAR*
RQ - Request for Correction	Objections
EC - Expedited Corrections	MR - Modification and Refusal
	*Joint Committee on Administrative Rules

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-7017.

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1175.100	am	(P-2573)	1827.201	r	(A-275)	n	(P-7161)	850.10	am	(P-4354)
1176.100	am	(P-2551)	1827.203	r	(A-275)	n	(P-7168)	850.20	am	(P-4354)
1176.110	am	(P-2551)	1827.204	r	(A-275)	n	(P-7161)			
1176.200	am	(P-2551)	1827.205	r	(A-275)	n	(P-7161)			
1176.210	am	(P-2551)	1827.301	r	(A-275)	n	(P-7161)			
1176.300	am	(P-2551)	1827.302	r	(A-275)	n	(P-7161)			
1176.310	am	(P-2551)	1827.303	r	(A-275)	n	(P-7161)			
1176.320	am	(P-2551)	1827.304	r	(A-275)	n	(P-7161)			
1176.400	am	(P-2551)	1827.401	r	(A-275)	n	(P-7161)	80.10	am	(P-1136999-A-1003)
1176.410	am	(P-2551)	1827.402	r	(A-275)	n	(P-7161)	80.10	am	(P-1136999-A-1003)
1176.420	am	(P-2551)	1827.403	r	(A-275)	n	(P-7161)	80.80	am	(P-1136999-A-1003)
1176.7b.A	am	(P-2551)	1827.403	r	(A-275)	n	(P-7156)	80.110	am	(P-1136999-A-1003)
1176.7b.B	am	(P-2551)	1827.501	r	(A-275)	n	(P-7145)	80.120	am	(P-1136999-A-1003)
1200.100	am	(A-6943)(A-7866)	1827.502	r	(A-275)	n	(P-7156)	80.130	am	(P-1136999-A-1003)
1200.130	am	(A-6943)	1827.504	r	(A-275)	n	(P-7145)	80.140	am	(P-1136999-A-1003)
1200.310	am	(A-6943)	1827.602	r	(A-275)	n	(P-7156)			
1610.100	n	(P-3)	1827.603	r	(A-275)	n	(P-7145)	80.150	am	(E-8613)
1610.200	n	(P-3)	1827.604	r	(A-275)	n	(P-7145)	80.160	am	(E-8613)
1610.210	n	(P-3)	1827.605	r	(A-275)	n	(P-7145)	85.10	am	(P-11361399-A-997)
1610.220	n	(P-3)	1827.606	r	(A-275)	n	(P-7145)	85.20	am	(P-11361399-A-997)
1610.230	n	(P-3)	1827.607	r	(A-275)	n	(P-7156)	105.5	am	(E-8625)
1610.240	n	(P-3)	1827.608	r	(A-275)	n	(P-7145)	105.7	am	(P-1136299-A-1017)
1610.250	n	(P-3)	1827.609	r	(A-275)	n	(P-7145)	105.10	am	(E-8625)
1610.260	n	(P-3)	1827.610	r	(A-275)	n	(P-7145)	105.30	am	(E-8625)
1610.300	n	(P-3)	1827.611	r	(A-275)	n	(P-7145)	105.100	am	(P-1136299-A-1017)
1610.400	n	(P-3)	1827.612	r	(A-275)	n	(P-7145)	105.120	am	(E-8625)
1750.200	am	(A-5650)	1827.613	r	(A-275)	n	(P-195)(E-325)	105.100	n	(P-11361399-A-1017)
1750.210	am	(A-5650)	1827.614	r	(A-275)	n	(P-195)(E-325)	105.120	am	(E-8625)
1750.220	am	(A-5650)	1827.615	r	(A-275)	n	(P-195)(E-325)	110.70	am	(P-1136299-A-1017)
1750.300	am	(A-5650)	1827.616	r	(A-275)	n	(P-195)(E-325)	110.80	am	(P-1136299-A-1017)
1750.320	am	(A-5650)	1827.617	r	(A-275)	n	(P-195)(E-325)	110.90	am	(P-1136299-A-1017)
1750.340	am	(A-5650)	1827.618	r	(A-275)	n	(P-195)(E-325)	111.50	am	(P-1136299-A-1017)
1750.350	am	(A-5650)	1827.619	r	(A-275)	n	(P-195)(E-325)	111.80	am	(E-8620)
1750.370	am	(A-5650)	1827.620	r	(A-275)	n	(P-195)(E-325)	111.100	am	(P-1136299-A-1017)
1826.101	r	(A-273)	1925.110	am	(A-6571)	n	(P-195)(E-325)	115.120	am	(P-1136299-A-1017)
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1826.302	r	(A-273)	1925.231	am	(A-6571)	n	(P-195)(E-325)	125.170	am	(PP-3933)
1826.303	r	(A-273)	1925.232	am	(A-6571)	n	(P-195)(E-325)	125.200	am	(PP-3933)
1826.304	r	(A-273)	1925.260	am	(A-6571)	n	(P-195)(E-325)	125.250	am	(PP-3933)
1826.305	r	(A-273)	1925.270	am	(A-6571)	n	(P-195)(E-325)	125.260	am	(PP-3933)
1826.401	r	(A-273)	1925.280	am	(A-6571)	n	(P-195)(E-325)	125.270	am	(PP-3933)
1826.402	r	(A-273)	1925.285	am	(A-6571)	n	(P-195)(E-325)	125.280	am	(PP-3933)
1826.403	r	(A-273)	1925.290	am	(A-6571)	n	(P-195)(E-325)	125.290	am	(PP-3933)
1826.404	r	(A-273)	1925.295	am	(A-6571)	n	(P-195)(E-325)	125.300	am	(PP-3933)
1826.405	r	(A-273)	1925.300	am	(A-6571)	n	(P-195)(E-325)	125.310	am	(PP-3933)
1826.406	r	(A-273)	1925.305	am	(A-6571)	n	(P-195)(E-325)	125.320	am	(PP-3933)
1826.407	r	(A-273)	1925.310	am	(A-6571)	n	(P-195)(E-325)	125.330	am	(PP-3933)
1826.408	r	(A-273)	1925.315	am	(A-6571)	n	(P-195)(E-325)	125.340	am	(PP-3933)
1826.409	r	(A-273)	1925.320	am	(A-6571)	n	(P-195)(E-325)	125.350	am	(PP-3933)
1826.410	r	(A-273)	1925.325	am	(A-6571)	n	(P-195)(E-325)	125.360	am	(PP-3933)
1826.411	r	(A-273)	1925.330	am	(A-6571)	n	(P-195)(E-325)	125.370	am	(PP-3933)
1826.412	r	(A-273)	1925.335	am	(A-6571)	n	(P-195)(E-325)	125.380	am	(PP-3933)
1826.413	r	(A-273)	1925.340	am	(A-6571)	n	(P-195)(E-325)	125.390	am	(PP-3933)
1826.414	r	(A-273)	1925.345	am	(A-6571)	n	(P-195)(E-325)	125.400	am	(PP-3933)
1826.415	r	(A-273)	1925.350	am	(A-6571)	n	(P-195)(E-325)	125.410	am	(PP-3933)
1826.416	r	(A-273)	1925.355	am	(A-6571)	n	(P-195)(E-325)	125.420	am	(PP-3933)
1826.417	r	(A-273)	1925.360	am	(A-6571)	n	(P-195)(E-325)	125.430	am	(PP-3933)
1826.418	r	(A-273)	1925.365	am	(A-6571)	n	(P-195)(E-325)	125.440	am	(PP-3933)
1826.419	r	(A-273)	1925.370	am	(A-6571)	n	(P-195)(E-325)	125.450	am	(PP-3933)
1826.420	r	(A-273)	1925.375	am	(A-6571)	n	(P-195)(E-325)	125.460	am	(PP-3933)
1826.421	r	(A-273)	1925.380	am	(A-6571)	n	(P-195)(E-325)	125.470	am	(PP-3933)
1826.422	r	(A-273)	1925.385	am	(A-6571)	n	(P-195)(E-325)	125.480	am	(PP-3933)
1826.423	r	(A-273)	1925.390	am	(A-6571)	n	(P-195)(E-325)	125.490	am	(PP-3933)
1826.424	r	(A-273)	1925.395	am	(A-6571)	n	(P-195)(E-325)	125.500	am	(PP-3933)
1826.425	r	(A-273)	1925.400	am	(A-6571)	n	(P-195)(E-325)	125.510	am	(PP-3933)
1826.426	r	(A-273)	1925.405	am	(A-6571)	n	(P-195)(E-325)	125.520	am	(PP-3933)
1826.427	r	(A-273)	1925.410	am	(A-6571)	n	(P-195)(E-325)	125.530	am	(PP-3933)
1826.428	r	(A-273)	1925.415	am	(A-6571)	n	(P-195)(E-325)	125.540	am	(PP-3933)
1826.429	r	(A-273)	1925.420	am	(A-6571)	n	(P-195)(E-325)	125.550	am	(PP-3933)
1826.430	r	(A-273)	1925.425	am	(A-6571)	n	(P-195)(E-325)	125.560	am	(PP-3933)
1826.431	r	(A-273)	1925.430	am	(A-6571)	n	(P-195)(E-325)	125.570	am	(PP-3933)
1826.432	r	(A-273)	1925.435	am	(A-6571)	n	(P-195)(E-325)	125.580	am	(PP-3933)
1826.433	r	(A-273)	1925.440	am	(A-6571)	n	(P-195)(E-325)	125.590	am	(PP-3933)
1826.434	r	(A-273)	1925.445	am	(A-6571)	n	(P-195)(E-325)	125.600	am	(PP-3933)
1826.435	r	(A-273)	1925.450	am	(A-6571)	n	(P-195)(E-325)	125.610	am	(PP-3933)
1826.436	r	(A-273)	1925.455	am	(A-6571)	n	(P-195)(E-325)	125.620	am	(PP-3933)
1826.437	r	(A-273)	1925.460	am	(A-6571)	n	(P-195)(E-325)	125.630	am	(PP-3933)
1826.438	r	(A-273)	1925.465	am	(A-6571)	n	(P-195)(E-325)	125.640	am	(PP-3933)
1826.439	r	(A-273)	1925.470	am	(A-6571)	n	(P-195)(E-325)	125.650	am	(PP-3933)
1826.440	r	(A-273)	1925.475	am	(A-6571)	n	(P-195)(E-325)	125.660	am	(PP-3933)
1826.441	r	(A-273)	1925.480	am	(A-6571)	n	(P-195)(E-325)	125.670	am	(PP-3933)
1826.442	r	(A-273)	1925.485	am	(A-6571)	n	(P-195)(E-325)	125.680	am	(PP-3933)
1826.443	r	(A-273)	1925.490	am	(A-6571)	n	(P-195)(E-325)	125.690	am	(PP-3933)
1826.444	r	(A-273)	1925.495	am	(A-6571)	n	(P-195)(E-325)	125.700	am	(PP-3933)
1826.445	r	(A-273)	1925.500	am	(A-6571)	n	(P-195)(E-325)	125.710	am	(PP-3933)
1826.446	r	(A-273)	1925.505	am	(A-6571)	n	(P-195)(E-325)	125.720	am	(PP-3933)
1826.447	r	(A-273)	1925.510	am	(A-6571)	n	(P-195)(E-325)	125.730	am	(PP-3933)
1826.448	r	(A-273)	1925.515	am	(A-6571)	n	(P-195)(E-325)	125.740	am	(PP-3933)
1826.449	r	(A-273)	1925.520	am	(A-6571)	n	(P-195)(E-325)	125.750	am	(PP-3933)
1826.450	r	(A-273)	1925.525	am	(A-6571)	n	(P-195)(E-325)	125.760	am	(PP-3933)
1826.451	r	(A-273)	1925.530	am	(A-6571)	n	(P-195)(E-325)	125.770	am	(PP-3933)
1826.452	r	(A-273)	1925.535	am	(A-6571)	n	(P-195)(E-325)	125.780	am	(PP-3933)
1826.453	r	(A-273)	1925.540	am	(A-6571)	n	(P-195)(E-325)	125.790	am	(PP-3933)
1826.454	r	(A-273)	1925.545	am	(A-6571)	n	(P-195)(E-325)	125.800	am	(PP-3933)
1826.455	r	(A-273)	1925.550	am	(A-6571)	n	(P-195)(E-325)	125.810	am	(PP-3933)
1826.456	r	(A-273)	1925.555	am	(A-6571)	n	(P-195)(E-325)	125.820	am	(PP-3933)
1826.457	r	(A-273)	1925.560	am	(A-6571)	n	(P-195)(E-325)	125.830	am	(PP-3933)
1826.458	r	(A-273)	1925.565	am	(A-6571)	n	(P-195)(E-325)	125.840	am	(PP-3933)
1826.459	r	(A-273)	1925.570	am	(A-6571)	n	(P-195)(E-325)	125.850	am	(PP-3933)
1826.460	r	(A-273)	1925.575	am	(A-6571)	n	(P-195)(E-325)	125.860	am	(PP-3933)
1826.461	r	(A-273)	1925.580	am	(A-6571)	n	(P-195)(E-325)	125.870	am	(PP-3933)
1826.462	r	(A-273)	1925.585	am	(A-6571)	n	(P-195)(E-325)	125.880	am	(PP-3933)
1826.463	r	(A-273)	1925.590	am	(A-6571)	n	(P-195)(E-325)	125.890	am	(PP-3933)
1826.464	r	(A-273)	1925.595	am	(A-6571)	n	(P-195)(E-325)	125.900	am	(PP-3933)
1826.465	r	(A-273)	1925.600	am	(A-6571)	n	(P-195)(E-325)	125.910	am	(PP-3933)
1826.466	r	(A-273)	1925.605	am	(A-6571)	n	(P-195)(E-325)	125.920	am	(PP-3933)

[illegible]

400.60	am	(P-5727)
400.65	am	(P-5727)
400.70	am	(P-5727)
400.80	am	(P-5727)
400.85	am	(P-5727)
400.90	am	(P-5727)
400.95	am	(P-5727)
400.Ap.A	n	(P-5727)
400.Ap.B	n	(P-5727)
400.Ap.C	n	(P-5727)
400.Ap.D	n	(P-5727)
480.10	am	(P-5782)
480.20	am	(P-5782)
480.30	am	(P-5782)
480.40	am	(P-5782)
480.50	am	(P-5782)
480.60	am	(P-5782)
480.Ex.A	n	(P-5782)
480.Ex.B	n	(P-5782)

527.10	
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630.10	
630.20	
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630.50	
719.10	
<b>TITLE 17</b>	
100.90	
100.95	
100.120	
100.140	
100.160	

[illegible]

TITLE 14	
n	(P=7634)
100.10	
100.20	(P=7634)
100.30	n (P=7634)
100.40	n (P=7634)
100.50	n (P=7634)
100.60	n (P=7634)
100.70	n (P=7634)
100.80	n (P=7634)
100.90	n (P=7634)
100.100	n (P=7634)
100.110	n (P=7634)
100.120	n (P=7634)
100.130	n (P=7634)
130.842	am (P=2109, P=7401) (E=341)
130.845	am (P=2109, P=7401) (E=341)
400.20	am (P=5727)
400.30	am (P=5727)
400.40	am (P=5727)
400.50	am (P=5727)
400.60	am (P=5727)
400.70	am (P=5727)
400.80	am (P=5727)
400.90	am (P=5727)
400.100	am (P=5727)

	(P-6631)(E-6718)	(P-6631)(E-6718)	(P-6631)(E-6718)	(P-6631)(E-6718)	(P-6631)(E-6718)	(P-6631)(E-6718)
510.110	an	an	an	an	an	an
510.120	an	an	an	an	an	an
510.140	an	an	an	an	an	an
510.150	an	an	an	an	an	an
525.10	r	r	r	r	r	r
525.20	r	r	r	r	r	r
525.30	r	r	r	r	r	r
525.40	r	r	r	r	r	r
525.50	r	r	r	r	r	r
525.60	r	r	r	r	r	r
525.70	r	r	r	r	r	r
525.80	r	r	r	r	r	r
526.10	r	r	r	r	r	r
526.20	r	r	r	r	r	r
526.30	r	r	r	r	r	r
526.40	r	r	r	r	r	r
526.50	r	r	r	r	r	r
526.60	r	r	r	r	r	r
526.70	r	r	r	r	r	r
526.80	r	r	r	r	r	r
526.90	r	r	r	r	r	r

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180.Ex.A  
180.Ex.B  
510.10

am	(P-7939)	720.30	am	(P-5829-A-8856)	720.30
am	(P-219(E)-341)	720.40	am	(P-5817-A-8811)	720.40
am	(P-7939)	730.20	am	(P-5132-A-8801)	730.20
am	(P-219(E)-341)	740.40	n	(P-4192(99-A-4950)	760.10
am	(P-7939)	760.10	n	(P-4192(99-A-4950)	760.20
am	(P-7939)	760.30	n	(P-4192(99-A-4950)	760.30
am	(P-7939)	760.40	n	(P-4192(99-A-4950)	760.40
am	(P-7939)	810.20	am	(P-4204(99-A-3736)	810.37
am	(P-7939)	810.37	am	(P-4204(99-A-3736)	810.45
r	(P-4207(99-A-384)	810.70	am	(P-4207(99-A-384)	810.70
r	(P-4207(99-A-384)	830.10	am	(P-4207(99-A-384)	830.10
r	(P-4207(99-A-384)	830.60	am	(P-4653(99-A-4945)	830.60
r	(P-4207(99-A-384)	850.50	am	(P-4025-A-8895)	850.50
r	(P-4207(99-A-384)	2080.40	am	(P-4198(99-A-3594)	2080.40
r	(P-4207(99-A-384)	2520.10	am	(P-13038(99-A-1641)	2520.10
r	(P-4207(99-A-384)	2550.10	r	(P-12530(99-A-1646)	2550.10
r	(P-4207(99-A-384)	2550.15	r	(P-12530(99-A-1646)	2550.15
am	(P-4031-A-8923)	2550.20	r	(P-12530(99-A-1646)	2550.20



333.310	am	(P-2054-A-8042)	101.260	r	(P-5389)	101.260	r	(P-5389)	102.201	r	(P-5504)
333.340	am	(P-2054-A-8042)	101.281	r	(P-5389)	101.281	r	(P-5389)	102.202	n	(P-5504)
333.350	am	(P-2054-A-8042)	101.281	r	(P-5389)	101.281	r	(P-5389)	102.204	n	(P-5531)
333.360	am	(P-2054-A-8042)	101.300	n	(P-5389)	101.300	n	(P-5389)	102.206	n	(P-5531)
333.500	am	(P-2054-A-8042)	101.300	n	(P-5389)	101.300	n	(P-5389)	102.208	n	(P-5531)
333.Ap.C	n	(P-2054-A-8042)	101.301	r	(P-5389)	101.301	r	(P-5389)	102.210	n	(P-5531)
333.Ap.G	r	(P-2054-A-8042)	101.302	r	(P-5389)	101.302	r	(P-5389)	102.212	n	(P-5531)
333.Ap.H	r	(P-2054-A-8042)	101.303	r	(P-5389)	101.303	r	(P-5389)	102.220	n	(P-5504)
TITLE 35											
101.100	r	(P-5389)	101.304	r	(P-5389)	101.304	r	(P-5389)	102.222	r	(P-5504)
101.100	n	(P-5389)	101.306	n	(P-5389)	101.306	n	(P-5389)	102.222	r	(P-5504)
101.101	n	(P-5389)	101.307	n	(P-5389)	101.307	n	(P-5389)	102.241	r	(P-5504)
101.102	r	(P-5389)	101.308	n	(P-5389)	101.308	n	(P-5389)	102.241	r	(P-5504)
101.102	n	(P-5389)	101.308	n	(P-5389)	101.308	n	(P-5389)	102.241	r	(P-5504)
101.103	r	(P-5389)	101.400	n	(P-5389)	101.400	n	(P-5389)	102.260	r	(P-5504)
101.103	r	(P-5389)	101.402	n	(P-5389)	101.402	n	(P-5389)	102.261	r	(P-5504)
101.104	r	(P-5389)	101.403	n	(P-5389)	101.403	n	(P-5389)	102.262	r	(P-5504)
101.105	r	(P-5389)	101.405	n	(P-5389)	101.405	n	(P-5389)	102.280	r	(P-5504)
101.105	r	(P-5389)	101.406	n	(P-5389)	101.406	n	(P-5389)	102.281	r	(P-5504)
101.106	r	(P-5389)	101.408	n	(P-5389)	101.408	n	(P-5389)	102.282	r	(P-5504)
101.106	n	(P-5389)	101.500	n	(P-5389)	101.500	n	(P-5389)	102.283	r	(P-5504)
101.107	r	(P-5389)	101.501	n	(P-5389)	101.501	n	(P-5389)	102.285	r	(P-5504)
101.107	n	(P-5389)	101.504	n	(P-5389)	101.504	n	(P-5389)	102.300	r	(P-5531)
101.108	r	(P-5389)	101.506	n	(P-5389)	101.506	n	(P-5389)	102.300	r	(P-5531)
101.109	r	(P-5389)	101.508	n	(P-5389)	101.508	n	(P-5389)	102.301	r	(P-5504)
101.110	n	(P-5389)	101.510	n	(P-5389)	101.510	n	(P-5389)	102.302	n	(P-5531)
101.112	n	(P-5389)	101.512	n	(P-5389)	101.512	n	(P-5389)	102.304	n	(P-5531)
101.114	n	(P-5389)	101.514	n	(P-5389)	101.514	n	(P-5389)	102.306	n	(P-5531)
101.120	r	(P-5389)	101.516	n	(P-5389)	101.516	n	(P-5389)	102.320	r	(P-5504)
101.121	r	(P-5389)	101.518	n	(P-5389)	101.518	n	(P-5389)	102.340	r	(P-5504)
101.122	r	(P-5389)	101.520	n	(P-5389)	101.520	n	(P-5389)	102.341	r	(P-5504)
101.140	r	(P-5389)	101.522	n	(P-5389)	101.522	n	(P-5389)	102.342	r	(P-5504)
101.140	r	(P-5389)	101.602	n	(P-5389)	101.602	n	(P-5389)	102.343	r	(P-5504)
101.142	r	(P-5389)	101.604	n	(P-5389)	101.604	n	(P-5389)	102.345	r	(P-5504)
101.142	r	(P-5389)	101.606	n	(P-5389)	101.606	n	(P-5389)	102.346	r	(P-5504)
101.144	r	(P-5389)	101.608	n	(P-5389)	101.608	n	(P-5389)	102.348	r	(P-5504)
101.160	r	(P-5389)	101.610	n	(P-5389)	101.610	n	(P-5389)	102.360	r	(P-5504)
101.161	r	(P-5389)	101.612	n	(P-5389)	101.612	n	(P-5389)	102.361	r	(P-5504)
101.162	r	(P-5389)	101.614	n	(P-5389)	101.614	n	(P-5389)	102.362	r	(P-5504)
101.180	r	(P-5389)	101.616	n	(P-5389)	101.616	n	(P-5389)	102.363	r	(P-5504)
101.181	r	(P-5389)	101.618	n	(P-5389)	101.618	n	(P-5389)	102.400	n	(P-5531)
101.181	r	(P-5389)	101.620	n	(P-5389)	101.620	n	(P-5389)	102.401	n	(P-5531)
101.200	n	(P-5389)	101.622	n	(P-5389)	101.622	n	(P-5389)	102.402	n	(P-5531)
101.202	n	(P-5389)	101.624	n	(P-5389)	101.624	n	(P-5389)	102.403	n	(P-5531)
101.220	r	(P-5389)	101.626	n	(P-5389)	101.626	n	(P-5389)	102.406	n	(P-5531)
101.221	r	(P-5389)	101.628	n	(P-5389)	101.628	n	(P-5389)	102.410	n	(P-5531)
101.240	r	(P-5389)	101.700	n	(P-5389)	101.700	n	(P-5389)	102.412	n	(P-5531)
101.241	r	(P-5389)	101.800	n	(P-5389)	101.800	n	(P-5389)	102.414	n	(P-5531)
101.242	r	(P-5389)	101.802	n	(P-5389)	101.802	n	(P-5389)	102.418	n	(P-5531)
101.243	r	(P-5389)	101.902	n	(P-5389)	101.902	n	(P-5389)	102.418	n	(P-5531)
101.244	r	(P-5389)	101.904	n	(P-5389)	101.904	n	(P-5389)	102.420	n	(P-5531)
101.245	r	(P-5389)	101.906	n	(P-5389)	101.906	n	(P-5389)	102.420	n	(P-5531)
101.246	r	(P-5389)	101.908	n	(P-5389)	101.908	n	(P-5389)	102.421	n	(P-5531)
101.247	r	(P-5389)	101.Ap.A	n	(P-5389)	101.Ap.A	n	(P-5389)	102.422	n	(P-5531)

101.260	r	(P-5389)	102.201	r	(P-5504)
101.260	r	(P-5389)	102.202	n	(P-5504)
101.281	r	(P-5389)	102.204	n	(P-5531)
101.281	r	(P-5389)	102.206	n	(P-5531)
101.300	n	(P-5389)	102.208	n	(P-5531)
101.301	r	(P-5389)	102.210	n	(P-5531)
101.302	r	(P-5389)	102.212	n	(P-5531)
101.302	r	(P-5389)	102.220	n	(P-5504)
101.303	r	(P-5389)	102.221	r	(P-5504)
101.304	r	(P-5389)	102.222	r	(P-5504)
101.304	r	(P-5389)	102.241	r	(P-5504)
101.306	n	(P-5389)	102.241	r	(P-5504)
101.307	n	(P-5389)	102.241	r	(P-5504)
101.308	n	(P-5389)	102.260	r	(P-5504)
101.400	n	(P-5389)	102.261	r	(P-5504)
101.402	n	(P-5389)	102.262	r	(P-5504)
101.403	n	(P-5389)	102.280	r	(P-5504)
101.405	n	(P-5389)	102.281	r	(P-5504)
101.406	n	(P-5389)	102.282	r	(P-5504)
101.408	n	(P-5389)	102.283	r	(P-5504)
101.500	n	(P-5389)	102.285	r	(P-5504)
101.501	n	(P-5389)	102.300	r	(P-5531)
101.504	n	(P-5389)	102.300	r	(P-5531)
101.506	n	(P-5389)	102.301	r	(P-5504)
101.508	n	(P-5389)	102.302	n	(P-5531)
101.510	n	(P-5389)	102.304	n	(P-5531)
101.512	n	(P-5389)	102.306	n	(P-5531)
101.514	n	(P-5389)	102.320	r	(P-5504)
101.516	n	(P-5389)	102.340	r	(P-5504)
101.518	n	(P-5389)	102.341	r	(P-5504)
101.520	n	(P-5389)	102.342	r	(P-5504)
101.522	n	(P-5389)	102.343	r	(P-5504)
101.602	n	(P-5389)	102.345	r	(P-5504)
101.604	n	(P-5389)	102.346	r	(P-5504)
101.606	n	(P-5389)	102.347	r	(P-5504)
101.608	n	(P-5389)	102.348	r	(P-5504)
101.610	n	(P-5389)	102.360	r	(P-5504)
101.612	n	(P-5389)	102.361	r	(P-5504)
101.614	n	(P-5389)	102.362	r	(P-5504)
101.616	n	(P-5389)	102.363	r	(P-5504)
101.618	n	(P-5389)	102.400	n	(P-5531)
101.620	n	(P-5389)	102.401	n	(P-5531)
101.622	n	(P-5389)	102.402	n	(P-5531)
101.624	n	(P-5389)	102.403	n	(P-5531)
101.626	n	(P-5389)	102.406	n	(P-5531)
101.628	n	(P-5389)	102.410	n	(P-5531)
101.700	n	(P-5389)	102.412	n	(P-5531)
101.800	n	(P-5389)	102.414	n	(P-5531)
101.802	n	(P-5389)	102.418	n	(P-5531)
101.902	n	(P-5389)	102.418	n	(P-5531)
101.904	n	(P-5389)	102.420	n	(P-5531)
101.906	n	(P-5389)	102.420	n	(P-5531)
101.908	n	(P-5389)	102.421	n	(P-5531)
101.Ap.A	n	(P-5389)	102.422	n	(P-5531)





106.206	n	(P-5377)	n	(P-5377)	106.605	n	(P-5377)	106.910	r	(P-5326)	107.160	r	(P-5442)
106.208	n	(P-5377)	n	(P-5377)	106.606	n	(P-5377)	106.911	r	(P-5326)	107.180	r	(P-5442)
106.210	n	(P-5377)	n	(P-5377)	106.608	n	(P-5377)	106.912	r	(P-5326)	107.181	r	(P-5442)
106.300	n	(P-5377)	n	(P-5377)	106.700	n	(P-5377)	106.913	r	(P-5326)	107.200	r	(P-5442)
106.301	r	(P-5326)	n	(P-5326)	106.701	r	(P-5326)	106.914	r	(P-5326)	107.201	n	(P-5463)
106.302	r	(P-5326)	n	(P-5326)	106.702	r	(P-5326)	106.915	r	(P-5326)	107.202	r	(P-5442)
106.303	r	(P-5326)	n	(P-5326)	106.703	n	(P-5377)	106.920	r	(P-5326)	107.202	r	(P-5442)
106.304	r	(P-5326)	n	(P-5326)	106.704	n	(P-5326)	106.921	r	(P-5326)	107.204	n	(P-5463)
106.305	r	(P-5326)	n	(P-5326)	106.705	n	(P-5377)	106.922	r	(P-5326)	107.204	n	(P-5463)
106.306	n	(P-5326)	n	(P-5326)	106.706	r	(P-5326)	106.923	r	(P-5326)	107.205	n	(P-5463)
106.400	n	(P-5377)	r	(P-5326)	106.707	n	(P-5326)	106.924	r	(P-5326)	107.208	n	(P-5463)
106.401	n	(P-5326)	n	(P-5326)	106.708	n	(P-5377)	106.925	r	(P-5326)	107.220	n	(P-5442)
106.402	n	(P-5326)	n	(P-5326)	106.709	n	(P-5326)	106.930	r	(P-5326)	107.221	r	(P-5442)
106.403	r	(P-5326)	n	(P-5377)	106.710	n	(P-5326)	106.931	r	(P-5326)	107.223	r	(P-5442)
106.404	r	(P-5326)	n	(P-5326)	106.711	n	(P-5326)	106.932	r	(P-5326)	107.224	r	(P-5442)
106.405	n	(P-5377)	n	(P-5377)	106.712	n	(P-5326)	106.933	r	(P-5326)	107.225	r	(P-5442)
106.406	n	(P-5326)	n	(P-5326)	106.713	n	(P-5326)	106.934	r	(P-5326)	107.226	r	(P-5442)
106.407	r	(P-5326)	n	(P-5326)	106.714	n	(P-5326)	106.940	r	(P-5326)	107.227	r	(P-5442)
106.408	n	(P-5326)	n	(P-5326)	106.715	n	(P-5377)	106.942	r	(P-5326)	107.228	r	(P-5442)
106.410	r	(P-5377)	n	(P-5326)	106.716	n	(P-5377)	106.943	r	(P-5326)	107.228	r	(P-5442)
106.411	r	(P-5326)	n	(P-5326)	106.717	n	(P-5377)	106.944	r	(P-5326)	107.230	r	(P-5442)
106.412	r	(P-5326)	n	(P-5326)	106.718	n	(P-5377)	106.945	r	(P-5326)	107.242	r	(P-5442)
106.413	r	(P-5326)	n	(P-5326)	106.719	n	(P-5377)	106.946	r	(P-5326)	107.243	r	(P-5442)
106.414	n	(P-5326)	n	(P-5326)	106.720	n	(P-5326)	106.950	r	(P-5326)	107.244	r	(P-5442)
106.415	n	(P-5326)	n	(P-5326)	106.721	n	(P-5326)	106.952	r	(P-5326)	107.245	r	(P-5442)
106.416	r	(P-5326)	n	(P-5377)	106.722	n	(P-5377)	106.954	r	(P-5326)	107.246	r	(P-5442)
106.500	n	(P-5377)	n	(P-5377)	106.723	n	(P-5326)	106.955	r	(P-5326)	107.248	r	(P-5442)
106.501	r	(P-5326)	n	(P-5326)	106.724	n	(P-5377)	106.958	r	(P-5326)	107.280	r	(P-5442)
106.502	r	(P-5326)	n	(P-5326)	106.725	n	(P-5377)	106.960	r	(P-5326)	107.280	r	(P-5442)
106.503	r	(P-5326)	n	(P-5326)	106.726	n	(P-5377)	106.962	r	(P-5326)	107.300	r	(P-5442)
106.504	n	(P-5326)	n	(P-5326)	106.727	n	(P-5377)	106.963	r	(P-5326)	107.300	r	(P-5442)
106.505	r	(P-5326)	n	(P-5377)	106.728	n	(P-5377)	106.964	r	(P-5326)	107.301	n	(P-5442)
106.506	r	(P-5326)	n	(P-5326)	106.729	n	(P-5377)	106.965	r	(P-5326)	107.302	r	(P-5442)
106.507	n	(P-5326)	n	(P-5377)	106.730	n	(P-5377)	106.970	r	(P-5326)	107.304	n	(P-5463)
106.510	n	(P-5326)	n	(P-5377)	106.731	n	(P-5377)	106.972	r	(P-5326)	107.304	n	(P-5463)
106.512	n	(P-5377)	n	(P-5326)	106.732	n	(P-5377)	106.974	r	(P-5326)	107.306	n	(P-5463)
106.514	n	(P-5377)	n	(P-5326)	106.733	n	(P-5377)	106.976	r	(P-5326)	107.308	n	(P-5463)
106.601	n	(P-5326)	n	(P-5326)	106.734	n	(P-5377)	106.978	r	(P-5326)	107.340	r	(P-5442)
106.602	n	(P-5326)	n	(P-5326)	106.735	n	(P-5377)	106.980	r	(P-5326)	107.342	r	(P-5442)
106.603	n	(P-5377)	n	(P-5326)	106.736	n	(P-5377)	106.982	r	(P-5326)	107.360	r	(P-5442)
106.604	n	(P-5326)	n	(P-5326)	106.737	n	(P-5377)	106.983	r	(P-5326)	107.360	r	(P-5442)
					106.738	n	(P-5377)	106.984	r	(P-5326)	107.361	r	(P-5442)
					106.739	n	(P-5377)	106.985	r	(P-5326)	107.362	r	(P-5442)
					106.740	n	(P-5377)	106.986	r	(P-5326)	107.362	r	(P-5442)
					106.741	n	(P-5377)	106.987	r	(P-5326)	107.362	r	(P-5442)
					106.742	n	(P-5377)	106.988	r	(P-5326)	107.362	r	(P-5442)
					106.743	n	(P-5377)	106.989	r	(P-5326)	107.362	r	(P-5442)
					106.744	n	(P-5377)	106.990	r	(P-5326)	107.362	r	(P-5442)
					106.745	n	(P-5377)	106.991	r	(P-5326)	107.362	r	(P-5442)
					106.746	n	(P-5377)	106.992	r	(P-5326)	107.362	r	(P-5442)
					106.747	n	(P-5377)	106.993	r	(P-5326)	107.362	r	(P-5442)
					106.748	n	(P-5377)	106.994	r	(P-5326)	107.362	r	(P-5442)
					106.749	n	(P-5377)	106.995	r	(P-5326)	107.362	r	(P-5442)
					106.750	n	(P-5377)	106.996	r	(P-5326)	107.362	r	(P-5442)
					106.751	n	(P-5377)	106.997	r	(P-5326)	107.362	r	(P-5442)
					106.752	n	(P-5377)	106.998	r	(P-5326)	107.362	r	(P-5442)
					106.753	n	(P-5377)	106.999	r	(P-5326)	107.362	r	(P-5442)
					106.754	n	(P-5377)	107.000	n	(P-5463)	107.400	n	(P-5463)
					106.755	n	(P-5377)	107.102	r	(P-5442)	107.402	n	(P-5463)
					106.756	n	(P-5377)	107.103	r	(P-5442)	107.404	n	(P-5463)
					106.757	n	(P-5377)	107.104	n	(P-5463)	107.406	n	(P-5463)
					106.758	n	(P-5377)	107.106	n	(P-5463)	107.500	n	(P-5463)
					106.759	n	(P-5377)	107.120	r	(P-5442)	107.502	n	(P-5463)
					106.760	n	(P-5377)	107.121	r	(P-5442)	107.504	n	(P-5463)
					106.761	n	(P-5377)	107.122	r	(P-5442)	107.506	n	(P-5463)
					106.762	n	(P-5377)	107.123	r	(P-5442)	108.100	n	(P-5173)
					106.763	n	(P-5377)	107.124	r	(P-5442)	108.102	n	(P-5173)
					106.764	n	(P-5377)	107.125	r	(P-5442)	108.104	n	(P-5173)
					106.765	n	(P-5377)	107.140	r	(P-5442)	108.200	n	(P-5173)
					106.766	n	(P-5377)	107.141	r	(P-5442)	108.202	n	(P-5173)

108.204	n	(P-5173)	130.108	n	(P-5426)
108.206	n	(P-5173)	130.110	n	(P-5426)
108.208	n	(P-5173)	130.200	n	(P-5426)
108.209	n	(P-5173)	130.200	n	(P-5426)
108.400	n	(P-5173)	130.202	n	(P-5426)
108.402	n	(P-5173)	130.204	n	(P-5426)
108.404	n	(P-5173)	130.206	n	(P-5426)
108.406	n	(P-5173)	130.208	n	(P-5426)
108.500	n	(P-5173)	130.210	n	(P-5426)
108.502	n	(P-5173)	130.212	n	(P-5426)
108.504	n	(P-5173)	130.214	n	(P-5426)
108.506	n	(P-5173)	130.216	n	(P-5426)
120.101	f	(P-5411)	130.218	n	(P-5426)
120.102	f	(P-5411)	130.220	n	(P-5426)
120.103	f	(P-5411)	130.222	n	(P-5426)
120.201	f	(P-5411)	130.300	n	(P-5426)
120.202	f	(P-5411)	130.302	n	(P-5426)
120.203	f	(P-5411)	130.304	n	(P-5426)
120.210	f	(P-5411)	130.306	n	(P-5426)
120.215	f	(P-5411)	130.308	n	(P-5426)
120.218	f	(P-5411)	130.310	n	(P-5426)
120.225	f	(P-5411)	130.312	n	(P-5426)
120.230	f	(P-5411)	130.314	n	(P-5426)
120.240	f	(P-5411)	130.314	n	(P-5426)
120.245	f	(P-5411)	130.402	n	(P-5426)
120.250	f	(P-5411)	130.404	n	(P-5426)
120.260	f	(P-5411)	130.406	n	(P-5426)
120.265	f	(P-5411)	130.408	n	(P-5426)
120.270	f	(P-5411)	207.100	n	(P-2159-A-8979)
120.301	f	(P-5411)	207.102	n	(P-2159-A-8979)
120.305	f	(P-5411)	207.104	n	(P-2159-A-8979)
120.310	f	(P-5411)	207.200	n	(P-2159-A-8979)
120.315	f	(P-5411)	207.302	n	(P-2159-A-8979)
120.320	f	(P-5411)	207.304	n	(P-2159-A-8979)
120.325	f	(P-5411)	207.306	n	(P-2159-A-8979)
120.330	f	(P-5411)	207.308	n	(P-2159-A-8979)
120.340	f	(P-5411)	207.310	n	(P-2159-A-8979)
120.350	f	(P-5411)	207.312	n	(P-2159-A-8979)
120.360	f	(P-5411)	207.314	n	(P-2159-A-8979)
120.401	f	(P-5411)	207.316	n	(P-2159-A-8979)
120-A	n	(P-5411)	207.318	n	(P-2159-A-8979)
125.100	n	(P-5555)	207.400	n	(P-2159-A-8979)
125.104	n	(P-5555)	207.402	n	(P-2159-A-8979)
125.108	n	(P-5555)	207.404	n	(P-2159-A-8979)
125.200	n	(P-5555)	207.406	n	(P-2159-A-8979)
125.202	n	(P-5555)	207.408	n	(P-2159-A-8979)
125.204	n	(P-5555)	207.410	n	(P-2159-A-8979)
125.206	n	(P-5555)	207.500	n	(P-2159-A-8979)
125.208	n	(P-5555)	207.502	n	(P-2159-A-8979)
125.210	n	(P-5555)	207.504	n	(P-2159-A-8979)
125.212	n	(P-5555)	207.506	n	(P-2159-A-8979)
125.214	n	(P-5555)	207.508	n	(P-2159-A-8979)
125.216	n	(P-5555)	207.510	n	(P-2159-A-8979)
130.100	n	(P-5426)	207.512	n	(P-2159-A-8979)
130.102	n	(P-5426)	207.600	n	(P-2159-A-8979)
130.106	n	(P-5426)	207.602	n	(P-2159-A-8979)

207,604	n	(P-2159-A-8979)	662,430	am	(P-6185)
207,606	n	(P-2159-A-8979)	662,430	am	(P-6185)
207,608	n	(P-2159-A-8979)	662,470	am	(P-6185)
207,610	n	(P-2159-A-8979)	662,480	n	(P-6185)
207,612	n	(P-2159-A-8979)	662,510	am	(P-6185)
207,614	n	(P-2159-A-8979)	662,520	am	(P-6185)
207,702	n	(P-2159-A-8979)	662,610	am	(P-6185)
207,800	n	(P-2159-A-8979)	662,620	am	(P-6185)
207,802	n	(P-2159-A-8979)	662,630	am	(P-6185)
207,804	n	(P-2159-A-8979)	662,640	am	(P-6185)
207,806	n	(P-2159-A-8979)	662,650	am	(P-6185)
207,900	n	(P-2159-A-8979)	662,710	am	(P-6185)
207,902	n	(P-2159-A-8979)	662,740	am	(P-6185)
207,904	n	(P-2159-A-8979)	662,810	am	(P-6185)
275,120	am	(P-7843)	662,820	am	(P-6185)
275,230	am	(P-7843)	662,830	am	(P-6185)
275,250	n	(P-7843)	662,910	am	(P-6185)
283,110	n	(P-204)	662,920	am	(P-6185)
283,120	n	(P-204)	662,930	am	(P-6185)
283,130	n	(P-204)	662,935	am	(P-6185)
283,210	n	(P-204)	662,940	am	(P-6185)
283,220	n	(P-204)	662,950	am	(P-6185)
283,230	n	(P-204)	662,1010	am	(P-6185)
283,240	n	(P-204)	662,1030	am	(P-6185)
283,340	n	(P-204)	662,1185	am	(P-6185)
307,450	am	(P-7598)	662,Ap-A	n	(P-6185)
307,490	am	(P-7598)	Ex.D	n	(P-6185)
307,495	am	(P-7598)	663,120	am	(P-6176)
307,496	am	(P-7598)	663,140	am	(P-6176)
307,497	am	(P-7598)	663,150	am	(P-6176)
307,498	am	(P-7598)	663,220	am	(P-6176)
307,499	am	(P-7598)	663,230	am	(P-6176)
307,500	am	(P-7598)	663,240	am	(P-6176)
307,501	am	(P-7598)	663,250	am	(P-6176)
307,502	am	(P-7598)	663,260	am	(P-6176)
307,503	am	(P-7598)	663,270	am	(P-6176)
307,504	am	(P-7598)	663,280	am	(P-6176)
307,505	am	(P-7598)	663,290	am	(P-6176)
307,506	am	(P-7598)	663,300	am	(P-6176)
307,507	am	(P-7598)	663,310	am	(P-6176)
307,508	am	(P-7598)	663,320	am	(P-6176)
307,509	am	(P-7598)	663,330	am	(P-6176)
307,510	am	(P-7598)	663,340	am	(P-6176)
307,511	am	(P-7598)	663,350	am	(P-6176)
307,512	n	(P-8725)	680,107	am	(P-13511)
307,513	am	(P-8725)	680,108	am	(P-13511)
307,514	am	(P-8725)	680,109	n	(P-13511)
307,515	am	(P-8725)	680,110	n	(P-13511)
307,516	am	(P-8725)	680,111	am	(P-13511)
307,517	am	(P-8725)	680,112	am	(P-13511)
307,518	am	(P-8725)	680,202	am	(P-13511)
307,519	n	(P-8725)	680,203	am	(P-13511)
307,520	am	(P-6185)	680,301	am	(P-13511)
307,521	am	(P-6185)	680,302	am	(P-13511)
307,522	am	(P-6185)	680,303	am	(P-13511)
307,523	am	(P-6185)	680,304	am	(P-13511)
307,524	am	(P-6185)	680,305	am	(P-13511)
307,525	am	(P-6185)	680,306	am	(P-13511)
307,526	am	(P-6185)	680,401	am	(P-13511)
307,527	am	(P-6185)	680,402	am	(P-13511)
307,528	am	(P-6185)	680,403	am	(P-13511)





500,1260	n	(P-12845,999-A-1836)	350,203	am	(P-782,699-O-1143,599-W-1997)	3525,11C	n	(P-431)
500,1270	n	(P-12845,999-A-1836)	350,203	am	(P-782,699-O-1143,599-W-1997)	3525,11C	n	(P-431)
500,1280	n	(P-12845,999-A-1836)	350,205	am	(P-782,699-O-1143,599-W-1997)	4404,10	am	(P-141,78,99-A-7287)
500,1290	n	(P-12845,999-A-1836)	350,206	am	(P-782,699-O-1143,599-W-1997)	4404,10	am	(P-141,78,99-A-7287)
500,1300	n	(P-12845,999-A-1836)	350,207	#,n	(P-782,699-O-1143,599-W-1997)	4404,30	am	(P-141,78,99-A-7287)
500,1310	n	(P-12845,999-A-1836)	350,208	#,n	(P-782,699-O-1143,599-W-1997)	4404,30	am	(P-141,78,99-A-7287)
500,1320	n	(P-12845,999-A-1836)	350,209	#,n	(P-782,699-O-1143,599-W-1997)	4404,50	am	(P-141,78,99-A-7287)
500,1400	n	(P-12845,999-A-1836)	350,210	am	(P-782,699-O-1143,599-W-1997)	4404,60	am	(P-141,78,99-A-7287)
500,1410	n	(P-12845,999-A-1836)	350,211	am	(P-782,699-O-1143,599-W-1997)	4404,70	am	(P-141,78,99-A-7287)
500,1420	n	(P-12845,999-A-1836)	350,212	am	(P-782,699-O-1143,599-W-1997)	4404,70	am	(P-141,78,99-A-7287)
500,1430	n	(P-12845,999-A-1836)	350,213	am	(P-782,699-O-1143,599-W-1997)	4404,76	am	(P-141,78,99-A-7287)
500,1510	n	(P-12845,999-A-1836)	350,215	am	(P-782,699-O-1143,599-W-1997)	4404,80	am	(P-141,78,99-A-7287)
500,1520	n	(P-12845,999-A-1836)	350,215	am	(P-782,699-O-1143,599-W-1997)	4404,80	am	(P-141,78,99-A-7287)
500,1530	n	(P-12845,999-A-1836)	350,215	am	(P-782,699-O-1143,599-W-1997)	4404,90	am	(P-141,78,99-A-7287)
500,1540	n	(P-12845,999-A-1836)	350,215	am	(P-782,699-O-1143,599-W-1997)	4404,100	am	(P-141,78,99-A-7287)
500,1550	n	(P-12845,999-A-1836)	350,215	am	(P-782,699-O-1143,599-W-1997)	4404,110	am	(P-141,78,99-A-7287)
695,10	r	(P-12600,999-A-1995)	202,20	am	(P-7457,(E=-7557)	4404,11B	am	(P-141,78,99-A-7287)
695,20	r	(P-12600,999-A-1995)	202,30	am	(P-7457,(E=-7557)	4404,11B	am	(P-141,78,99-A-7287)
695,30	r	(P-12600,999-A-1995)	916,10	am	(P-699,999-A-3347)	5420,10	n	(P-12077,99-A-3374,(E=12466,99)
980,120	am	(P-407,000-A-6663)	916,30	am	(P-699,999-A-3347)	5420,20	n	(P-12077,99-A-3374,(E=12466,99)
980,130	am	(P-407,000-A-6663)	916,40	am	(P-699,999-A-3347)	5420,30	n	(P-12077,99-A-3374,(E=12466,99)
980,140	am	(P-407,000-A-6663)	916,40	am	(P-699,999-A-3347)	5420,30	am	(P-4008-A-9429)
980,160	am	(P-407,000-A-6663)	916,EX.A	am	(P-699,999-A-3347)	5420,40	am	(P-12077,99-A-3374,(E=12466,99)
980,180	am	(P-407,000-A-6663)	916,EX.B	am	(P-699,999-A-3347)	5420,50	n	(P-12077,99-A-3374,(E=12466,99)
980,190	am	(P-407,000-A-6663)	916,EX.C	am	(P-699,999-A-3347)	5420,50	n	(P-12077,99-A-3374,(E=12466,99)
980,200	am	(P-407,000-A-6663)	916,EX.D	am	(P-699,999-A-3347)	5420,50	n	(P-12077,99-A-3374,(E=12466,99)
980,210	r	(P-407,000-A-6663)	916,EX.H	r#	(P-699,999-A-3347)	5420,70	n	(P-12077,99-A-3374,(E=12466,99)
980,320	r	(P-407,000-A-6663)	916,EX.I	r#	(P-699,999-A-3347)	5420,80	n	(P-12077,99-A-3374,(E=12466,99)
980,460	r	(P-407,000-A-6663)	945,10	r	(P-2052,A-825),(E=-2480)	5420,90	n	(P-12077,99-A-3374,(E=12466,99)
1000,120	am	(P-6627)	945,20	n	(P-2052,A-825),(E=-2480)	5420,110	n	(P-12077,99-A-3374,(E=12466,99)
1000,130	am	(P-6627)	945,30	n	(P-2052,A-825),(E=-2480)	5420,110	n	(P-12077,99-A-3374,(E=12466,99)
1			945,40	n	(P-2052,A-825),(E=-2480)	5420,110	n	(P-12077,99-A-3374,(E=12466,99)
1000,180	am	(P-6627)	1405,20	n	(P-696,999-A-8227)	5420,130	am	(P-4008-A-9429)
1000,200	am	(P-6627)	1407,10	r	(P-8201)	5420,140	am	(P-4008-A-9429)
1000,210	r	(P-696,999-A-8227)	1407,20	r	(P-8201)	5420,140	am	(P-4008-A-9429)
1125,10	r	(P-223,A-8393,(E=-358)	2020,10	am	(P-7852)	5420,EX.A	n	(P-12077,99-A-3374,(E=12466,99)
1175,100	am	(P-3814)	2020,10	am	(P-7852)	5420,EX.B	n	(P-12077,99-A-3374,(E=12466,99)
1740,1020	am	(P-223,A-8393,(E=-358)	2020,20	am	(P-7852)	5420,EX.C	n	(P-12077,99-A-3374,(E=12466,99)
500,1020	n	(P-12845,999-A-1836)	2020,30	n	(P-7852)	5420,EX.D	n	(P-4008-A-9429)
500,1040	n	(P-12845,999-A-1836)	2020,40	n	(P-7852)	5420,EX.E	n	(P-4008-A-9429)
500,1060	n	(P-12845,999-A-1836)	2020,50	n	(P-7852)	5420,EX.F	n	(P-4008-A-9429)
500,1080	n	(P-12845,999-A-1836)	2310,60	am	(P-420)	260,100	n	(P-13769,99-A-6901)
500,1100	n	(P-12845,999-A-1836)	2311,10	am	(P-424)	260,200	n	(P-13769,99-A-6901)
500,1120	n	(P-12845,999-A-1836)	2311,20	am	(P-424)	260,210	n	(P-13769,99-A-6901)
500,1140	n	(P-12845,999-A-1836)	2311,30	am	(P-424)	260,220	n	(P-13769,99-A-6901)
500,1160	n	(P-12845,999-A-1836)	2311,80	am	(P-424)	260,230	n	(P-13769,99-A-6901)
500,1180	n	(P-12845,999-A-1836)	2325,10	am	(P-431)	260,300	n	(P-13769,99-A-6901)
500,1200	n	(P-12845,999-A-1836)	2325,20	am	(P-431)	260,310	n	(P-13769,99-A-6901)
500,1220	n	(P-12845,999-A-1836)	2325,45	n	(P-431)	260,320	n	(P-13769,99-A-6901)
500,1240	n	(P-12845,999-A-1836)	2325,60	am	(P-431)	2605,10	n	(P-13769,99-A-6901)
500,1260	n	(P-12845,999-A-1836)	2325,70	am	(P-431)	2605,20	n	(P-13769,99-A-6901)
500,1280	n	(P-12845,999-A-1836)	2325,85	am	(P-431)	2605,30	n	(P-13769,99-A-6901)
500,1300	am	(P-782,699-O-1143,599-W-1997)	2325,90	am	(P-431)	2605,40	n	(P-7328,99-A-8853)
500,1320	am	(P-782,699-O-1143,599-W-1997)	2325,95	am	(P-431)	2605,50	n	(P-7328,99-A-8853)
500,1340	am	(P-782,699-O-1143,599-W-1997)	2325,100	am	(P-431)	2605,60	n	(P-7328,99-A-8853)
500,1360	am	(P-782,699-O-1143,599-W-1997)	2325,110	am	(P-431)	2605,70	n	(P-7328,99-A-8853)
500,1380	am	(P-782,699-O-1143,599-W-1997)	2325,120	am	(P-431)	2605,80	n	(P-7328,99-A-8853)
500,1400	am	(P-782,699-O-1143,599-W-1997)	2325,130	am	(P-431)	2605,90	n	(P-7328,99-A-8853)
500,1420	am	(P-782,699-O-1143,599-W-1997)	2325,140	am	(P-431)	2605,100	n	(P-7328,99-A-8853)
500,1440	am	(P-782,699-O-1143,599-W-1997)	2325,150	am	(P-431)	2605,110	n	(P-7328,99-A-8853)
500,1460	am	(P-782,699-O-1143,599-W-1997)	2325,160	am	(P-431)	2605,120	n	(P-7328,99-A-8853)
500,1480	am	(P-782,699-O-1143,599-W-1997)	2325,170	am	(P-431)	2605,130	n	(P-7328,99-A-8853)
500,1500	am	(P-782,699-O-1143,599-W-1997)	2325,180	am	(P-431)	2605,140	n	(P-7328,99-A-8853)
500,1520	am	(P-782,699-O-1143,599-W-1997)	2325,190	am	(P-431)	2605,150	n	(P-7328,99-A-8853)
500,1540	am	(P-782,699-O-1143,599-W-1997)	2325,200	am	(P-431)	2605,160	n	(P-7328,99-A-8853)
500,1560	am	(P-782,699-O-1143,599-W-1997)	2325,210	am	(P-431)	2605,170	n	(P-7328,99-A-8853)
500,1580	am	(P-782,699-O-1143,599-W-1997)	2325,220	am	(P-431)	2605,180	n	(P-7328,99-A-8853)
500,1600	am	(P-782,699-O-1143,599-W-1997)	2325,230	am	(P-431)	2605,190	n	(P-7328,99-A-8853)
500,1620	am	(P-782,699-O-1143,599-W-1997)	2325,240	am	(P-431)	2605,200	n	(P-7328,99-A-8853)
500,1640	am	(P-782,699-O-1143,599-W-1997)	2325,250	am	(P-431)	2605,210	n	(P-7328,99-A-8853)
500,1660	am	(P-782,699-O-1143,599-W-1997)	2325,260	am	(P-431)	2605,220	n	(P-7328,99-A-8853)
500,1680	am	(P-782,699-O-1143,599-W-1997)	2325,270	am	(P-431)	2605,230	n	(P-7328,99-A-8853)
500,1700	am	(P-782,699-O-1143,599-W-1997)	2325,280	am	(P-431)	2605,240	n	(P-7328,99-A-8853)
500,1720	am	(P-782,699-O-1143,599-W-1997)	2325,290	am	(P-431)	2605,250	n	(P-7328,99-A-8853)
500,1740	am	(P-782,699-O-1143,599-W-1997)	2325,300	am	(P-431)	2605,260	n	(P-7328,99-A-8853)
500,1760	am	(P-782,699-O-1143,599-W-1997)	2325,310	am	(P-431)	2605,270	n	(P-7328,99-A-8853)
500,1780	am	(P-782,699-O-1143,599-W-1997)	2325,320	am	(P-431)	2605,280	n	(P-7328,99-A-8853)
500,1800	am	(P-782,699-O-1143,599-W-1997)	2325,330	am	(P-431)	2605,290	n	(P-7328,99-A-8853)
500,1820	am	(P-782,699-O-1143,599-W-1997)	2325,340	am	(P-431)	2605,300	n	(P-7328,99-A-8853)
500,1840	am	(P-782,699-O-1143,599-W-1997)	2325,350	am	(P-431)	2605,310	n	(P-7328,99-A-8853)
500,1860	am	(P-782,699-O-1143,599-W-1997)	2325,360	am	(P-431)	2605,320	n	(P-7328,99-A-8853)
500,1880	am	(P-782,699-O-1143,599-W-1997)	2325,370	am	(P-431)	2605,330	n	(P-7328,99-A-8853)
500,1900	am	(P-782,699-O-1143,599-W-1997)	2325,380	am	(P-431)	2605,340	n	(P-7328,99-A-8853)
500,1920	am	(P-782,699-O-1143,599-W-1997)	2325,390	am	(P-431)	2605,350	n	(P-7328,99-A-8853)
500,1940	am	(P-782,699-O-1143,599-W-1997)	2325,400	am	(P-431)	2605,360	n	(P-7328,99-A-8853)
500,1960	am	(P-782,699-O-1143,599-W-1997)	2325,410	am	(P-431)	2605,370	n	(P-7328,99-A-8853)
500,1980	am	(P-782,699-O-1143,599-W-1997)	2325,420	am	(P-431)	2605,380	n	(P-7328,99-A-8853)
500,2000	am	(P-782,699-O-1143,599-W-1997)	2325,430	am	(P-431)	2605,390	n	(P-7328,99-A-8853)
500,2020	am	(P-782,699-O-1143,599-W-1997)	2325,440	am	(P-431)	2605,400	n	(P-7328,99-A-8853)
500,2040	am	(P-782,699-O-1143,599-W-1997)	2325,450	am	(P-431)	2605,410	n	(P-7328,99-A-8853)
500,2060	am	(P-782,699-O-1143,599-W-1997)	2325,460	am	(P-431)	2605,420	n	(P-7328,99-A-8853)
500,2080	am	(P-782,699-O-1143,599-W-1997)	2325,470	am	(P-431)	2605,430	n	(P-7328,99-A-8853)
500,2100	am	(P-782,699-O-1143,599-W-1997)	2325,480	am	(P-431)	2605,440	n	(P-7328,99-A-8853)
500,2120	am	(P-782,699-O-1143,599-W-1997)	2325,490	am	(P-431)	2605,450	n	(P-7328,99-A-8853)
500,2140	am	(P-782,699-O-1143,599-W-1997)	2325,500	am	(P-431)	2605,460	n	(P-7328,99-A-8853)
500,2160	am	(P-782,699-O-1143,599-W-1997)	2325,510	am	(P-431)	2605,470	n	(P-7328,99-A-8853)
500,2180	am	(P-782,699-O-1143,599-W-1997)	2325,520	am	(P-431)	2605,480	n	(P-7328,99-A-8853)
500,2200	am	(P-782,699-O-1143,599-W-1997)	2325,530	am	(P-431)	2605,490	n	(P-7328,99-A-8853)
500,2220	am	(P-782,699-O-1143,599-W-1997)	2325,540	am	(P-431)	2605,500	n	(P-7328,99-A-8853)
500,2240	am	(P-782,699-O-1143,599-W-1997)	2325,550	am	(P-431)	2605,510	n	(P-7328,99-A-8853)
500,2260	am	(P-782,699-O-1143,599-W-1997)	2325,560	am	(P-431)	2605,520	n	(P-7328,99-A-8853)
500,2280	am	(P-782,699-O-1143,599-W-1997)	2325,570	am	(P-431)	2605,530	n	(P-7328,99-A-8853)
500,2300	am	(P-782,699-O-1143,599-W-1997)	2325,580	am	(P-431)	2605,540	n	(P-7328,99-A-8853)

2605.80	n	(P-7328.99/A-8853)	2665.80	n	(P-814.99/A-1913)
2605.90	n	(P-7328.99/A-8853)	2665.90	n	(P-814.99/A-1913)
2605.100	n	(P-7328.99/A-8853)	2960.100	am	(P-9300)
2605.120	n	(P-7328.99/A-8853)	2960.115	n	(P-9300)
2605.130	n	(P-7328.99/A-8853)	2960.120	n	(P-9300)
2605.140	n	(P-7328.99/A-8853)	6000.10	n	(P-814.99/A-1913)
2605.150	n	(P-7328.99/A-8853)	6000.20	n	(P-814.99/A-1913)
2605.160	n	(P-7328.99/A-8853)	<b>TITLE 59</b>		
2605.170	n	(P-7328.99/A-8853)	102.50	r	(P-8721)(E-9205)
2605.180	n	(P-7328.99/A-8853)	102.55	r	(P-8721)(E-9263)
2605.190	n	(P-7328.99/A-8853)	103.30	r	(P-8721)(E-9263)
2605.200	n	(P-7328.99/A-8853)	103.40	r	(P-8721)(E-9263)
2605.210	n	(P-7328.99/A-8853)	103.60	r	(P-8721)(E-9263)
2605.220	n	(P-7328.99/A-8853)	103.90	r	(P-8721)(E-9263)
2605.230	n	(P-7328.99/A-8853)	103.100	r	(P-8721)(E-9263)
2605.240	n	(P-7328.99/A-8853)	103.110	r	(P-8721)(E-9263)
2605.250	n	(P-7328.99/A-8853)	103.165	r	(P-8721)(E-9263)
2605.260	n	(P-7328.99/A-8853)	103.165	r	(P-8721)(E-9263)
2605.270	n	(P-7328.99/A-8853)	103.190	r	(P-8721)(E-9263)
2605.280	n	(P-7328.99/A-8853)	103.210	r	(P-8721)(E-9263)
2605.290	n	(P-7328.99/A-8853)	111.10	r	(P-9755/A-7300)
2605.300	n	(P-7328.99/A-8853)	116.20	n	(P-1181.299/A-2656)
2605.310	n	(P-7328.99/A-8853)	116.20	n	(P-1181.299/A-2656)
2605.320	n	(P-7328.99/A-8853)	116.40	n	(P-1181.299/A-2656)
2605.330	n	(P-7328.99/A-8853)	116.50	n	(P-1181.299/A-2656)
2605.340	n	(P-7328.99/A-8853)	116.60	n	(P-1181.299/A-2656)
2605.350	n	(P-7328.99/A-8853)	116.70	n	(P-1181.299/A-2656)
2605.360	n	(P-7328.99/A-8853)	116.80	n	(P-1181.299/A-2656)
2605.370	n	(P-7328.99/A-8853)	116.90	n	(P-1181.299/A-2656)
2605.380	n	(P-7328.99/A-8853)	116.100	n	(P-1181.299/A-2656)
2605.390	n	(P-7328.99/A-8853)	116.110	n	(P-1181.299/A-2656)
2605.400	n	(P-7328.99/A-8853)	132.25	am	(P-6768)
2605.410	n	(P-7328.99/A-8853)	132.40	am	(P-6768)
2605.420	n	(P-7328.99/A-8853)	132.55	am	(P-6768)
2605.430	am	(P-6865)	132.80	am	(P-6768)
2605.440	am	(P-6865)	132.100	am	(P-6768)
2605.450	am	(P-6865)	132.110	am	(P-6768)
2605.460	am	(P-6865)	132.155	am	(P-6768)
2605.470	am	(P-6865)	299.200	am	(P-6567)
2605.120	am	(P-6865)	301.10	am	(P-4359)
2605.130	am	(P-6865)	301.20	am	(P-4359)
2605.140	am	(P-6865)	301.30	am	(P-4359)
2605.150	am	(P-6865)	301.40	am	(P-4359)
2605.160	am	(P-6865)	301.50	am	(P-4359)
2605.170	am	(P-6865)	301.60	am	(P-4359)
2605.180	am	(P-12505.99/A-2648)	310.10	am	(P-4372)
2605.190	am	(P-12505.99/A-2648)	310.20	am	(P-4372)
2605.200	am	(P-12505.99/A-2648)	310.30	am	(P-4372)
2605.210	am	(P-12505.99/A-2648)	310.40	am	(P-4372)
2605.220	am	(P-12505.99/A-2648)	310.50	am	(P-4372)
2605.230	am	(P-814.99/A-1913)	350.105	am	(P-12)
2605.240	am	(P-814.99/A-1913)	350.105	am	(P-12)
2605.250	am	(P-814.99/A-1913)	350.120	am	(P-12)
2605.260	am	(P-814.99/A-1913)	350.135	am	(P-12)

350.380	am	(P-7459)	750.600	am	(P-3840)
350.400	am	(P-12)	750.700	n	(P-3840)
530.110	am	(P-8717)(E-9245)	750.710	n	(P-3840)
<b>TITLE 62</b>					
1701.960	am	(P-0998.99/A-5909)	750.730	n	(P-3840)
1780.25	am	(P-10082.99/A-5992)	750.800	n	(P-3840)
1784.14	am	(P-10088.99/A-5998)	750.900	am	(P-3840)
1784.16	am	(P-10088.99/A-5998)	750.910	n	(P-3840)
1784.20	am	(P-10088.99/A-5998)	750.1000	am	(P-3840)
1784.22	am	(P-10088.99/A-5998)	750.1100	am	(P-3840)
1800.13	am	(P-1342.99/A-5988)	1150.60	am	(P-12276.99/A-559)
1800.15	am	(P-1342.99/A-5988)	1150.65	am	(P-12276.99/A-559)
1816.46	am	(P-10056.99/A-5967)	1150.75	am	(P-12276.99/A-559)
1816.49	am	(P-10056.99/A-5967)	1150.80	am	(P-6479)
1816.89	am	(P-10056.99/A-5967)	1150.100	am	(P-12276.99/A-559)
1816.111	am	(P-10056.99/A-5967)	1160.50	am	(P-12538.99/A-5361)
1816.116	am	(P-10056.99/A-5967)	1210.25	am	(P-1181.49/A-508)
1817.41	am	(P-10027.99/A-5938)	1210.110	am	(P-1181.49/A-508)
1817.46	am	(P-10027.99/A-5938)	1210.237	n	(P-1181.49/A-508)
1817.49	am	(P-10027.99/A-5938)	1220.240	am	(P-6488)
1817.89	am	(P-10027.99/A-5938)	1220.245	n	(P-6488)
1817.101	am	(P-10027.99/A-5938)	1220.245	n	(P-6488)
1817.111	am	(P-10027.99/A-5938)	1220.245	n	(P-6488)
1817.116	am	(P-10027.99/A-5938)	1220.245	n	(P-6488)
1817.121	am	(P-10027.99/A-5938)	1220.245	n	(P-6488)
1823.14	am	(P-10070.99/A-5989)	1240.15	am	(P-11847.99/A-587)
1840.14	am	(P-0991.99/A-5905)	1240.16	am	(P-11847.99/A-587)
1847.3	am	(P-1337.99/A-5892)	1240.40	am	(P-11847.99/A-587)
<b>TITLE 68</b>					
750.110	n	(P-3840)	1240.55	am	(P-11847.99/A-587)
750.115	am	(P-3840)	1240.60	am	(P-11847.99/A-587)
750.200	n	(P-3840)	1240.110	am	(P-11847.99/A-587)
750.205	r	(P-3840)	1240.130	am	(P-11847.99/A-587)
750.210	r	(P-3840)	1240.170	am	(P-11847.99/A-587)
750.215	r	(P-3840)	1240.180	am	(P-11847.99/A-587)
750.220	r	(P-3840)	1240.190	am	(P-11847.99/A-587)
750.225	r	(P-3840)	1240.200	am	(P-11847.99/A-587)
750.235	r	(P-3840)	1240.205	r	(P-11847.99/A-587)
750.245	r	(P-3840)	1245.100	r	(P-1248.99/A-518)
750.300	am	(P-3840)	1245.110	am	(P-1248.99/A-518)
750.310	am	(P-3840)	1245.150	am	(P-1248.99/A-518)
750.320	am	(P-3840)	1245.160	am	(P-1248.99/A-518)
750.330	r	(P-3840)	1245.200	r	(P-1248.99/A-518)
750.400	n	(P-3840)	1245.210	am	(P-1248.99/A-518)
750.410	n	(P-3840)	1245.250	am	(P-1248.99/A-518)
750.420	n	(P-3840)	1245.260	am	(P-1248.99/A-518)
750.430	n	(P-3840)	1245.300	am	(P-1248.99/A-518)
750.500	n	(P-3840)	1245.305	r	(P-12248.99/A-518)
750.510	n	(P-3840)	1245.310	am	(P-12248.99/A-518)
750.520	n	(P-3840)	1247.20	am	(P-11847.99/A-587)
750.530	n	(P-3840)	1247.20	am	(P-11847.99/A-587)
750.540	n	(P-3840)	1247.60	am	(P-11847.99/A-587)
750.550	n	(P-3840)	1247.70	am	(P-11847.99/A-587)

[illegible]





300.661	am	(P-4889)	ILP	n	(P-3728(E-3885)	Ex.B	am	(P-2941)	690.370	am	(P-6246)
300.662	r	(P-4889)	ILQ	am	(P-3728(E-3885)	640 Ap.D			690.380	am	(P-6246)
300.663	am	(P-4889)	515.100	am	(P-11413.99-A-9006)	Ex.A	am	(P-2941)	690.385	n	(P-6246)
300.1410	am	(P-4889)	515.125	am	(P-11413.99-A-9006)	Ex.A	am	(P-2941)	690.385	n	(P-6246)
300.1440	am	(P-4889)	515.220	am	(P-14276.99-A-8585)	640 Ap.D			690.390	am	(P-6246)
300 Ap.E	am	(P-4889)	515.330	am	(P-8483)	Ex.A	am	(P-2941)	690.400	am	(P-6246)
330.160	r	(P-4864)	515.350	am	(P-14276.99-A-8585)	Ex.A	am	(P-2941)	690.410	am	(P-6246)
330.990	am	(P-4864)	515.380	am	(P-14276.99-A-8585)	640 Ap.F			690.420	am	(P-6246)
330.990	am	(P-4864)	515.445	#	(P-11413.99-A-9006)	Ex.A	r	(P-2941)	690.440	n	(P-6246)
330.1310	am	(P-4864)	515.700	am	(P-14276.99-A-8585)	Ex.B	r	(P-2941)	690.442	n	(P-6246)
330.1340	n	(P-4864)	515.710	am	(P-14276.99-A-8585)	640 Ap.G	#	(P-2941)	690.444	n	(P-6246)
330 Ap.B	r	(P-4864)	515.720	am	(P-14276.99-A-8585)	640 Ap.H			690.450	am	(P-6246)
340.1375	am	(P-4131)	515.825	n	(P-8483)	Ex.A	#	(P-2941)	690.451	am	(P-6246)
340.1376	am	(P-4131)	515.830	am	(P-14276.99-A-8585)	Ex.B	#	(P-2941)	690.452	n	(P-6246)
340.1377	am	(P-4131)	515.920	am	(P-8483)	Ex.C	#	(P-2941)	690.453	n	(P-6246)
340.1378	am	(P-4131)	515.930	am	(P-8483)	Ex.C	#	(P-2941)	690.460	am	(P-6246)
340.1700	am	(P-4131)	515.935	am	(P-8483)	640 Ap.I	#	(P-2941)	690.470	r	(P-6246)
340.1720	am	(P-4131)	515.940	am	(P-8483)	672.100	am	(P-1763-A-7509)	690.475	am	(P-6246)
350.160	am	(P-4816)	515.945	am	(P-8483)	672.105	am	(P-1763-A-7509)	690.480	am	(P-6246)
350.160	am	(P-4816)	515.2030	am	(P-11413.99-A-9006)	672.200	am	(P-1763-A-7509)	690.490	am	(P-6246)
350.681	r	(P-4816)	515.2040	am	(P-11413.99-A-9006)	672.210	am	(P-1763-A-7509)	690.495	am	(P-6246)
350.682	n	(P-4816)	515.2045	n	(P-11413.99-A-9006)	672.215	am	(P-1763-A-7509)	690.505	am	(P-6246)
350.820	am	(P-4816)	515.2050	n	(P-11413.99-A-9006)	672.220	am	(P-1763-A-7509)	690.510	am	(P-6246)
350.1055	am	(P-4816)	515.2050	n	(P-11413.99-A-9006)	672.225	am	(P-1763-A-7509)	690.520	am	(P-6246)
370.715	am	(P-4088)	515 Ap.A	am	(P-11413.99-A-9006)	672.420	am	(P-1763-A-7509)	690.530	am	(P-6246)
390.160	am	(P-4843)	515 Ap.C	am	(P-11413.99-A-9006)	672.425	am	(P-1763-A-7509)	690.535	am	(P-6246)
390.290	r	(P-4843)	515 Ap.G	am	(P-11413.99-A-9006)	672.430	am	(P-1763-A-7509)	690.540	am	(P-6246)
390.684	am	(P-4843)	515 Ap.C	am	(P-11413.99-A-9006)	672.460	am	(P-1763-A-7509)	690.555	am	(P-6246)
390.682	am	(P-4843)	525.100	n	(P-13776.99-A-6409)	672.505	am	(P-1763-A-7509)	690.560	am	(P-6246)
420.2	am	(P-5364)	525.200	n	(P-13776.99-A-6409)	672.510	am	(P-1763-A-7509)	690.570	am	(P-6246)
420.2	am	(P-5364)	525.300	n	(P-13776.99-A-6409)	672.515	am	(P-1763-A-7509)	690.580	am	(P-6246)
420.2	am	(P-5364)	525.400	n	(P-13776.99-A-6409)	672.515	am	(P-1763-A-7509)	690.590	am	(P-6246)
420.2	am	(P-5364)	525.600	n	(P-13776.99-A-6409)	672.610	am	(P-1763-A-7509)	690.595	n	(P-6246)
420.2	am	(P-5364)	525.700	n	(P-13776.99-A-6409)	672.610	am	(P-1763-A-7509)	690.600	am	(P-6246)
420.30	r	(P-5364)	591.200	am	(P-482)	675.10	am	(P-5062.99-A-3956)	690.601	am	(P-6246)
420.40	r	(P-5364)	591.200	am	(P-482)	675.20	am	(P-5062.99-A-3956)	690.610	am	(P-6246)
420.50	r	(P-5364)	640.20	am	(P-2941)	675.300	am	(P-5062.99-A-3956)	690.620	am	(P-6246)
420.61	r	(P-5364)	640.40	am	(P-2941)	675.110	am	(P-5062.99-A-3956)	690.630	am	(P-6246)
500.10	am	(P-3728(E-3885)	640.41	am	(P-2941)	675.110	am	(P-5062.99-A-3956)	690.630	am	(P-6246)
500.20	am	(P-3728(E-3885)	640.42	am	(P-2941)	675.200	am	(P-5062.99-A-3956)	690.650	am	(P-6246)
500.7	am	(P-3728(E-3885)	640.43	am	(P-2941)	675.200	am	(P-5062.99-A-3956)	690.660	am	(P-6246)
500.7	am	(P-3728(E-3885)	640.44	am	(P-2941)	690.110	am	(P-6246)	690.661	n	(P-6246)
500.7	am	(P-3728(E-3885)	640.45	am	(P-2941)	690.200	am	(P-6246)	690.670	am	(P-6246)
500.7	am	(P-3728(E-3885)	640.46	am	(P-2941)	690.295	n	(P-6246)	690.675	n	(P-6246)
500.7	am	(P-3728(E-3885)	640.47	am	(P-2941)	690.300	am	(P-6246)	690.678	n	(P-6246)
500.7	am	(P-3728(E-3885)	640.48	am	(P-2941)	690.310	r	(P-6246)	690.690	am	(P-6246)
500.7	am	(P-3728(E-3885)	640.49	am	(P-2941)	690.320	am	(P-6246)	690.695	am	(P-6246)
500.7	am	(P-3728(E-3885)	640.50	am	(P-2941)	690.325	am	(P-6246)	690.700	r	(P-6246)
500.7	am	(P-3728(E-3885)	640.51	am	(P-2941)	690.327	n	(P-6246)	690.710	am	(P-6246)
500.7	am	(P-3728(E-3885)	640.52	am	(P-2941)	690.330	am	(P-6246)	690.715	am	(P-6246)
500.7	am	(P-3728(E-3885)	640.53	am	(P-2941)	690.335	am	(P-6246)	690.720	am	(P-6246)
500.7	am	(P-3728(E-3885)	640.54	am	(P-2941)	690.340	am	(P-6246)	690.730	am	(P-6246)
500.7	am	(P-3728(E-3885)	640.55	am	(P-2941)	690.345	am	(P-6246)	690.740	am	(P-6246)
500.7	am	(P-3728(E-3885)	640.56	am	(P-2941)	690.350	am	(P-6246)	690.750	am	(P-6246)
500.7	am	(P-3728(E-3885)	640.57	am	(P-2941)	690.360	am	(P-6246)	690.752	n	(P-6246)
500.7	am	(P-3728(E-3885)	640.58	am	(P-2941)	690.365	am	(P-6246)	690.800	n	(P-6246)
500.7	am	(P-3728(E-3885)	640.59	am	(P-2941)	690.368	n	(P-6246)	690.900	am	(P-6246)



3000 Ap-A	am	(P-395;A-7737)(E-861)	451.40	am	(P-5083)	460.340	n	(P-7028)	761.1000	n	(P-7794)(E-7892)
<b>TITLE 83</b>			451.50	n	(P-5083)	460.350	n	(P-7028)	761.1010	n	(P-7794)(E-7892)
200.78	am	(P-7806)(E-7903)	451.60	am	(P-5083)	460.360	n	(P-7028)	761.1020	n	(P-7794)(E-7892)
200.79	am	(P-7806)	451.1100	am	(P-5083)	460.370	n	(P-7028)	761.1030	n	(P-7794)(E-7892)
200.80	am	(P-7806)	451.1200	am	(P-5083)	460.380	n	(P-7028)	761.1040	n	(P-7794)(E-7892)
200.90	am	(P-7806)	451.1300	am	(P-5083)	460.390	n	(P-7028)	761.1045	n	(P-7794)(E-7892)
200.100	am	(P-7806)(E-7903)	451.1400	am	(P-5083)	460.400	n	(P-7028)	761.1050	n	(P-7794)(E-7892)
200.110	am	(P-7806)(E-7903)	451.1500	am	(P-5083)	460.410	n	(P-7028)	761.1060	n	(P-7794)(E-7892)
200.120	am	(P-7806)	451.1600	am	(P-5083)	460.420	n	(P-7028)	762.000	am	(P-7783)(E-7881)
200.130	am	(P-7806)	451.2200	am	(P-5083)	460.430	n	(P-7028)	762.100	am	(P-7783)(E-7881)
200.150	am	(P-7806)	451.2300	am	(P-5083)	460.440	n	(P-7028)	762.105	n	(P-7783)(E-7881)
200.170	am	(P-7806)	451.2500	am	(P-5083)	460.450	n	(P-7028)	762.120	am	(P-7783)
200.180	am	(P-7806)	451.2600	am	(P-5083)	460.460	n	(P-7028)	762.210	am	(P-7783)
200.85	am	(P-7806)	451.2700	am	(P-5083)	460.470	n	(P-7028)	762.220	am	(P-7783)(E-7881)
200.200	am	(P-7806)	451.3200	am	(P-5083)	460.500	n	(P-7028)	762.1000	n	(P-7783)(E-7881)
200.300	am	(P-7806)	451.3300	am	(P-5083)	460.510	n	(P-7028)	762.1010	n	(P-7783)(E-7881)
200.360	am	(P-7806)	451.3600	am	(P-5083)	460.520	n	(P-7028)	762.1020	n	(P-7783)(E-7881)
200.430	am	(P-7806)	451.3700	am	(P-5083)	460.530	n	(P-7028)	762.1030	n	(P-7783)(E-7881)
200.540	am	(P-7806)	451.4300	am	(P-5083)	460.600	n	(P-7028)	762.1040	n	(P-7783)(E-7881)
200.610	am	(P-7806)	451.4400	am	(P-5083)	726.105	n	(P-1;M-8648)(PF-6741;W-8649)	762.1045	n	(P-7783)(E-7881)
200.625	am	(P-7806)	451.4500	am	(P-5083)	726.100	n	(P-1;M-8648)(PF-6741;W-8649)	762.1050	n	(P-7783)(E-7881)
200.700	am	(P-7806)	451.5000	am	(P-5083)	726.200	n	(P-1;M-8648)(PF-6741;W-8649)	762.1060	n	(P-7783)(E-7881)
200.710	am	(P-7806)	451.5100	am	(P-5083)	726.200	n	(P-1;M-8648)(PF-6741;W-8649)	763.100	am	(P-7771)(E-7870)
200.840	am	(P-7806)	451.7100	n	(P-5083)	726.300	n	(P-1;M-8648)(PF-6741;W-8649)	763.105	am	(P-7771)(E-7870)
200.860	am	(P-7806)	451.7200	n	(P-5083)	726.305	n	(P-1;M-8648)(PF-6741;W-8649)	763.120	am	(P-7771)
200.880	am	(P-7806)	451.7300	n	(P-5083)	726.400	n	(P-1;M-8648)(PF-6741;W-8649)	763.130	am	(P-7771)
200.1000	am	(P-7806)(E-7903)	451.7400	n	(P-5083)	726.400	n	(P-1;M-8648)(PF-6741;W-8649)	763.140	am	(P-7771)
200.1010	n	(P-7806)(E-7903)	451.7500	n	(P-5083)	726.500	n	(P-1;M-8648)(PF-6741;W-8649)	763.200	am	(P-7771)
200.1020	n	(P-7806)(E-7903)	451.7600	n	(P-5083)	726.500	n	(P-1;M-8648)(PF-6741;W-8649)	763.300	am	(P-7771)
200.1030	n	(P-7806)(E-7903)	451.7700	n	(P-5083)	726.500	n	(P-1;M-8648)(PF-6741;W-8649)	763.400	am	(P-7771)
200.1040	n	(P-7806)(E-7903)	460.10	n	(P-7028)	726.500	n	(P-1;M-8648)(PF-6741;W-8649)	763.1000	n	(P-7771)
200.1045	n	(P-7806)(E-7903)	460.15	n	(P-7028)	726.505	n	(P-1;M-8648)(PF-6741;W-8649)	763.1010	n	(P-7771)(E-7870)
200.1050	n	(P-7806)(E-7903)	460.20	n	(P-7028)	726.510	n	(P-1;M-8648)(PF-6741;W-8649)	763.1020	n	(P-7771)(E-7870)
200.1060	n	(P-7806)(E-7903)	460.30	n	(P-7028)	726.510	n	(P-1;M-8648)(PF-6741;W-8649)	763.1030	n	(P-7771)(E-7870)
411.300	n	(P-1429)	460.40	n	(P-7028)	727.100	n	(P-8454)(OS-8650)(E-8635)	763.1045	n	(P-7771)(E-7870)
411.301	n	(P-1429)	460.50	n	(P-7028)	727.105	n	(P-8454)(OS-8650)(E-8635)	763.1050	n	(P-7771)(E-7870)
411.305	n	(P-1429)	460.60	n	(P-7028)	727.205	n	(P-8454)(OS-8650)(E-8635)	763.1060	n	(P-7771)(E-7870)
411.310	n	(P-1429)	460.70	n	(P-7028)	727.205	n	(P-8454)(OS-8650)(E-8635)	766.11	n	(P-7834)(E-7917)
411.315	n	(P-1429)	460.80	n	(P-7028)	727.305	n	(P-8454)(OS-8650)(E-8635)	766.12	n	(P-7834)(E-7917)
411.320	n	(P-1429)	460.90	n	(P-7028)	727.400	n	(P-8454)(OS-8650)(E-8635)	766.20	am	(P-7834)(E-7917)
411.325	n	(P-1429)	460.110	n	(P-7028)	727.405	n	(P-8454)(OS-8650)(E-8635)	766.30	am	(P-7834)(E-7917)
411.330	n	(P-1429)	460.120	n	(P-7028)	727.505	n	(P-8454)(OS-8650)(E-8635)	766.1000	n	(P-7834)(E-7917)
411.332	n	(P-1429)	460.130	n	(P-7028)	727.505	n	(P-8454)(OS-8650)(E-8635)	766.1010	n	(P-7834)(E-7917)
411.335	n	(P-1429)	460.200	n	(P-7028)	727.510	n	(P-8454)(OS-8650)(E-8635)	766.1020	n	(P-7834)(E-7917)
411.338	n	(P-1429)	460.210	n	(P-7028)	761.30	am	(P-7794)	766.1030	n	(P-7834)(E-7917)
411.345	n	(P-1429)	460.220	n	(P-7028)	761.105	am	(P-7794)(E-7892)	766.1040	n	(P-7834)(E-7917)
411.350	n	(P-1429)	460.240	n	(P-7028)	761.105	am	(P-7794)	766.1050	n	(P-7834)(E-7917)
411.355	n	(P-1429)	460.250	n	(P-7028)	761.110	am	(P-7794)	766.1060	n	(P-7834)(E-7917)
411.360	n	(P-1429)	460.300	n	(P-7028)	761.130	am	(P-7794)			
451.10	am	(P-5083)	460.320	n	(P-7028)	761.200	am	(P-7794)	<b>TITLE 86</b>		
451.20	am	(P-5083)	460.330	n	(P-7028)	761.240	am	(P-7794)(E-7892)	100.2000	am	(P-2190)
451.30	am	(P-5083)	460.330	n	(P-7028)	761.440	am	(P-7794)			

100.2100	am	(P-2190)	106.120	am	(P-3188/99-A-1648)	130.1930	am	(P-3128)	160.110	am	(P-3321-A-8135)
100.2101	am	(P-2190)	106.200	am	(P-3188/99-A-1648)	130.1935	am	(P-3128)	180.125	am	(P-3092)
100.2102	am	(P-2190)	106.250	am	(P-3188/99-A-1648)	130.1940	am	(P-3128)	220.130	am	(P-3108-A-8105)
100.2160	am	(P-2190)	106.300	am	(P-3188/99-A-1648)	130.1960	am	(P-3128)	230.300	am	(P-3111-A-8108)
100.2165	n	(P-4637)	110.155	am	(P-9752/99-A-2428)	130.1965	am	(P-3128)	270.130	am	(P-3114-A-8111)
100.2170	am	(P-2190)	110.11.A	am	(P-9752/99-A-2428)	130.1971	am	(P-3128)	280.300	am	(P-3117-A-8114)
100.2240	am	(P-2190)	120.5	n	(P-14658/99-A-8607)	130.1975	am	(P-3128)	295.120	am	(P-3120-A-8117)
100.2250	am	(P-2190)	130.101	am	(P-3128)	130.1980	am	(P-3128)	420.10	am	(P-7466)
100.2300	am	(P-2190)	130.110	am	(P-3128)	130.2000	am	(P-3128)	420.80	am	(P-3083-A-8096)
100.2330	am	(P-2190)	130.111	am	(P-3128)	130.2005	am	(P-3128)	432.160	am	(P-3126-A-8109)
100.2380	am	(P-2190)	130.112	am	(P-3128)	130.2010	am	(P-3128)	432.160	am	(P-3126-A-8109)
100.2400	am	(P-2190)	130.201	am	(P-3128)	130.2015	am	(P-3128)	440.20	am	(P-3096-A-9903)
100.2500	am	(P-2190)	130.205	am	(P-3128)	130.2015	am	(P-3128)	440.20	am	(P-3096-A-9903)
100.3020	am	(P-2190)	130.215	am	(P-3128)	130.2020	am	(P-3128)	445.10	n	(P-7489/RC-9291)
100.3100	am	(P-2190)	130.220	am	(P-3128)	130.2025	am	(P-3128)	445.20	n	(P-7489)
100.3210	am	(P-2190)	130.225	am	(P-3128)	130.2040	am	(P-3128)	450.10	am	(P-3102-A-9909/PE-5713)
100.3230	am	(P-2190)	130.305	am	(P-3128)	130.2055	am	(P-3128)	495.135	n	(P-6864)
100.3240	am	(P-2190)	130.315	am	(P-3128)	130.2060	am	(P-3128)	495.140	n	(P-6864)
100.3300	am	(P-2190)	130.320	am	(P-3128)	130.2065	am	(P-3128)	500.100	am	(P-488-A-6918/E-880/C-1998)
100.3320	am	(P-2190)	130.321	am	(P-3128)	130.2070	am	(P-3128)	500.205	am	(P-488-A-6918/E-880/C-1998)
100.3320	F	(P-2190)	130.322	am	(P-3128)	130.2075	am	(P-3128)	500.205	am	(P-488-A-6918/E-880/C-1998)
100.3360	am	(P-2190)	130.331	am	(P-3128)	130.2085	am	(P-3128)	500.205	am	(P-488-A-6918/E-880/C-1998)
100.5020	am	(P-2190)	130.334	am	(P-3128)	130.2100	am	(P-3128)	500.206	am	(P-488-A-6918/E-880/C-1998)
100.5030	am	(P-2190)	130.335	am	(P-3128)	130.2105	am	(P-3128)	500.210	am	(P-488-A-6918/E-880/C-1998)
100.5050	am	(P-2190)	130.340	am	(P-3128)	130.2115	am	(P-3128)	500.230	am	(P-488-A-6918/E-880/C-1998)
100.7000	am	(P-2190)	130.345	am	(P-3128)	130.2130	am	(P-3128)	500.235	am	(P-488-A-6918/E-880/C-1998)
100.7030	am	(P-2190)	130.350	am	(P-3128)	130.2145	am	(P-3128)	500.265	am	(P-488-A-6918/E-880/C-1998)
100.7050	am	(P-2190)	130.401	am	(P-3128)	130.2145	am	(P-3128)	500.297	n	(P-488-A-6918/E-880/C-1998)
100.7090	am	(P-2190)	130.410	am	(P-3128)	130.2156	am	(P-3128)	670.130	am	(P-3326-A-8140)
100.7100	am	(P-2190)	130.415	am	(P-3128)	130.2160	am	(P-3128)	680.130	am	(P-3329-A-8145)
100.9000	am	(P-2190)	130.420	am	(P-3128)	130.2165	am	(P-3128)	730.105	am	(P-2884)
100.9100	am	(P-2190)	130.435	am	(P-3128)	130.2170	am	(P-3128)	730.110	am	(P-2884)
100.9200	am	(P-2190)	130.445	am	(P-3128)	130.2175	am	(P-3128)	730.110	am	(P-2884)
100.9500	am	(P-2190)	130.535	am	(P-3128)	130.2185	am	(P-3128)	730.110	am	(P-2884)
100.9600	am	(P-2190)	130.540	am	(P-3128)	140.125	am	(P-3311-A-8125)	730.300	am	(P-2884)
100.9700	am	(P-2190)	130.550	am	(P-3128)	150.130	am	(P-3332)	730.310	am	(P-2884)
105.100	am	(P-13999/99-A-6582)	130.701	am	(P-3128)	150.135	am	(P-3332)	730.315	am	(P-2884)
105.110	am	(P-13999/99-A-6582)	130.705	am	(P-3128)	150.305	am	(P-3332)	730.335	am	(P-2884)
105.120	am	(P-13999/99-A-6582)	130.725	am	(P-3128)	150.306	am	(P-3332)	730.405	am	(P-2884)
105.130	am	(P-13999/99-A-6582)	130.735	am	(P-3128)	150.315	am	(P-3332)	730.430	am	(P-2884)
105.200	am	(P-13999/99-A-6582)	130.745	am	(P-3128)	150.335	n	(P-3332)	730.445	am	(P-2884)
105.220	am	(P-13999/99-A-6582)	130.801	am	(P-3128)	150.350	n	(P-3332)	730.505	am	(P-2884)
105.230	am	(P-13999/99-A-6582)	130.805	am	(P-3128)	150.360	n	(P-3332)	730.515	am	(P-2884)
105.240	am	(P-13999/99-A-6582)	130.1201	am	(P-3128)	150.520	r	(P-3332)	730.520	am	(P-2884)
105.500	am	(P-13999/99-A-6582)	130.1305	am	(P-3128)	150.701	am	(P-3332)	730.520	am	(P-2884)
105.510	am	(P-13999/99-A-6582)	130.1401	am	(P-3128)	150.705	am	(P-3332)	730.525	am	(P-2884)
105.520	am	(P-13999/99-A-6582)	130.1405	am	(P-3128)	150.715	am	(P-3332)	730.530	r	(P-2884)
105.530	am	(P-13999/99-A-6582)	130.1415	am	(P-3128)	150.715	am	(P-3332)	730.535	am	(P-2884)
105.600	am	(P-13999/99-A-6582)	130.1501	am	(P-3128)	150.730	am	(P-3332)	730.540	am	(P-2884)
105.610	am	(P-13999/99-A-6582)	130.1515	am	(P-3128)	150.801	am	(P-3332)	730.605	r	(P-2884)
105.700	am	(P-13999/99-A-6582)	130.1701	am	(P-3128)	150.901	am	(P-3332)	730.725	am	(P-2884)
105.700	am	(P-13999/99-A-6582)	130.1801	am	(P-3128)	150.901	am	(P-3332)	730.725	am	(P-2884)
105.1000	am	(P-13999/99-A-6582)	130.1901	am	(P-3128)	150.915	am	(P-3332)	730.735	am	(P-1413/99-A-8367)
105.1010	am	(P-13999/99-A-6582)	130.1915	am	(P-3128)	150.1415	am	(P-3332)	770.100	n	(P-1411/99-A-8384)
105.1010	am	(P-13999/99-A-6582)	130.1915	am	(P-3128)	151.105	am	(P-6869)	770.110	n	(P-1411/99-A-8384)
105.110	am	(P-13188/99-A-1648)	130.1925	am	(P-3128)	151.105	am	(P-6869)	770.120	n	(P-1411/99-A-8384)



770,130	n	(P-14117799-A-8384)	113,247	am	(P-35652)
770,140	n	(P-14117799-A-8384)	113,247	am	(P-35652)
770,150	am	(P-14117799-A-8384)	113,260	am	(P-349)
1910,5	am	(P-1254799-A-1233)	114,1	am	(P-1397999-A-5688)
1910,25	am	(P-1254799-A-1233)	114,210	am	(P-1204899-A-2338)
1910,30	am	(P-1254799-A-1233)	117,10	am	(P-9323)
1910,40	am	(P-1254799-A-1233)	117,11	am	(P-9323)
1910,50	am	(P-1254799-A-1233)	117,50	am	(P-6633)(E-6723;O-7928)
1910,60	am	(P-1254799-A-1233)	117,60	am	(P-9323)
1910,65	am	(P-1254799-A-1233)	117,60	am	(P-9323)
1910,67	am	(P-1254799-A-1233)	120,10	am	(P-25-A-7361)
1910,69	am	(P-1254799-A-1233)	120,31	am	(P-25-A-7361)
1910,71	am	(P-1254799-A-1233)	120,60	am	(P-25-A-7361)
1910,73	n	(P-1254799-A-1233)	120,64	am	(P-25-A-7361)
1910,74	am	(P-1254799-A-1233)	120,400	n	(P-25-A-7361)
1910,75	am	(P-1254799-A-1233)	121,63	am	(P-8186)
1910,90	am	(P-1254799-A-1233)	121,92	r	(P-3726)(E-3871)
3000,115	am	(P-6754)	121,91	r	(P-3726)(E-3871)
3000,130	am	(P-782399-A-1037)(E-8191/99)	121,92	am	(P-782399-A-1037)(E-8191/99)
3000,135	n	(P-782399-A-1037)(E-8191/99)	121,92	am	(P-782399-A-1037)(E-8191/99)
3000,136	am	(P-782399-A-1037)(E-8191/99)	121,92	am	(P-782399-A-1037)(E-8191/99)
3000,137	am	(P-782399-A-1037)(E-8191/99)	121,92	am	(P-782399-A-1037)(E-8191/99)
3000,138	n	(P-782399-A-1037)(E-8191/99)	121,92	am	(P-782399-A-1037)(E-8191/99)
3000,139	am	(P-782399-A-1037)(E-8191/99)	121,92	am	(P-782399-A-1037)(E-8191/99)
3000,140	am	(P-782399-A-1037)(E-8191/99)	121,92	am	(P-782399-A-1037)(E-8191/99)
3000,141	am	(P-782399-A-1037)(E-8191/99)	121,92	am	(P-782399-A-1037)(E-8191/99)
3000,142	am	(P-782399-A-1037)(E-8191/99)	121,92	am	(P-782399-A-1037)(E-8191/99)
3000,143	am	(P-782399-A-1037)(E-8191/99)	121,92	am	(P-782399-A-1037)(E-8191/99)
3000,144	am	(P-782399-A-1037)(E-8191/99)	121,92	am	(P-782399-A-1037)(E-8191/99)
3000,145	am	(P-782399-A-1037)(E-8191/99)	121,92	am	(P-782399-A-1037)(E-8191/99)
3000,146	am	(P-782399-A-1037)(E-8191/99)	121,92	am	(P-782399-A-1037)(E-8191/99)
3000,147	am	(P-782399-A-1037)(E-8191/99)	121,92	am	(P-782399-A-1037)(E-8191/99)
3000,148	am	(P-782399-A-1037)(E-8191/99)	121,92	am	(P-782399-A-1037)(E-8191/99)
3000,149	am	(P-782399-A-1037)(E-8191/99)	121,92	am	(P-782399-A-1037)(E-8191/99)
3000,150	am	(P-782399-A-1037)(E-8191/99)	121,92	am	(P-782399-A-1037)(E-8191/99)
3000,151	am	(P-782399-A-1037)(E-8191/99)	121,92	am	(P-782399-A-1037)(E-8191/99)
3000,152	am	(P-782399-A-1037)(E-8191/99)	121,92	am	(P-782399-A-1037)(E-8191/99)
3000,153	am	(P-782399-A-1037)(E-8191/99)	121,92	am	(P-782399-A-1037)(E-8191/99)
3000,154	am	(P-782399-A-1037)(E-8191/99)	121,92	am	(P-782399-A-1037)(E-8191/99)
3000,155	am	(P-782399-A-1037)(E-8191/99)	121,92	am	(P-782399-A-1037)(E-8191/99)
3000,156	am	(P-782399-A-1037)(E-8191/99)	121,92	am	(P-782399-A-1037)(E-8191/99)
3000,157	am	(P-782399-A-1037)(E-8191/99)	121,92	am	(P-782399-A-1037)(E-8191/99)
3000,158	am	(P-782399-A-1037)(E-8191/99)	121,92	am	(P-782399-A-1037)(E-8191/99)
3000,159	am	(P-782399-A-1037)(E-8191/99)	121,92	am	(P-782399-A-1037)(E-8191/99)
3000,160	am	(P-782399-A-1037)(E-8191/99)	121,92	am	(P-782399-A-1037)(E-8191/99)
3000,161	am	(P-782399-A-103			

140.505	n	(P-8800)	329.10	#_am	(P-1755)
140.506	am	(P-8800)	329.20	#_am	(P-1755)
140.700	am	(P-8800)	329.30	#_am	(P-1755)
144.160	n	(P-6244)(E-6431)	329.40	#_am	(P-1755)
144.165	am	(P-6244)(E-6431)	329.50	#_am	(P-1755)
144.275	n	(P-6244)(E-6431)	329.60	#	(P-1755)
144.300	am	(P-6244)(E-6431)	329.70	#	(P-1755)
146.205	am	(P-2586-A-8353)	331.1	r	(P-8442)
146.210	am	(P-2586-A-8353)	331.2	r	(P-8442)
146.215	am	(P-2586-A-8353)	331.3	r	(P-8442)
146.220	am	(P-2586-A-8353)	331.4	r	(P-8442)
146.225	am	(P-2586-A-8353)	331.5	r	(P-8442)
146.230	am	(P-2586-A-8353)	331.6	r	(P-8442)
146.235	am	(P-2586-A-8353)	331.7	r	(P-8442)
146.245	am	(P-2586-A-8353)	331.80	n	(P-8442)
146.255	am	(P-2586-A-8353)	331.90	n	(P-8442)
146.290	am	(P-2586-A-8353)	331.40	n	(P-8442)
148.82	am	(P-8789)	331.50	n	(P-8442)
148.120	am	(P-8586-99-A-2400)	331.60	n	(P-8442)
148.295	am	(P-8586-99-A-2400)	331.70	n	(P-8442)
148.300	am	(P-23576/99-A-3845)	331.80	n	(P-8442)
148.310	am	(P-23576/99-A-3845)	331.90	n	(P-8442)
148.390	am	(P-23576/99-A-3845)	336.20	am	(P-13142/99-A-7660)
148.420	am	(P-23576/99-A-3845)	336.30	am	(P-13142/99-A-7660)
148.430	am	(P-4053)	336.40	am	(P-13142/99-A-7660)
148.340	r	(P-4053)	336.50	am	(P-13142/99-A-7660)
148.350	r	(P-4053)	336.60	am	(P-13142/99-A-7660)
148.360	r	(P-4053)	336.70	am	(P-13142/99-A-7660)
148.370	r	(P-4053)	336.80	am	(P-13142/99-A-7660)
148.380	r	(P-4053)	336.90	am	(P-13142/99-A-7660)
148.390	r	(P-4053)	337.00	am	(P-13142/99-A-7660)
160.60	am	(P-12573/99-A-3808)	336.100	am	(P-13142/99-A-7660)
160.60	am	(P-12573/99-A-3808)	336.110	am	(P-13142/99-A-7660)
160.70	am	(P-12573/99-A-3808)	336.120	am	(P-13142/99-A-7660)
160.75	n	(P-12573/99-A-3808)	336.130	am	(P-13142/99-A-7660)
160.95	n	(P-12573/99-A-3808)	336.140	am	(P-13142/99-A-7660)
160.100	am	(P-12573/99-A-3808)	336.150	am	(P-13142/99-A-7660)
160.110	am	(P-12573/99-A-3808)	336.160	am	(P-13142/99-A-7660)
160.120	am	(P-12573/99-A-3808)	336.170	am	(P-13142/99-A-7660)
160.130	am	(P-12573/99-A-3808)	336.180	am	(P-13142/99-A-7660)
160.132	am	(P-12573/99-A-3808)	336.190	am	(P-13142/99-A-7660)
160.144	am	(P-12573/99-A-3808)	336.200	am	(P-13142/99-A-7660)
160.136	am	(P-12573/99-A-3808)	336.210	am	(P-13142/99-A-7660)
170.20	r	(P-4037)	336.220	n	(P-13142/99-A-7660)
170.30	r	(P-4037)	336.230	n	(P-13142/99-A-7660)
170.100	r	(P-4037)	340.10	n	(P-926-A-8315)
170.120	r	(P-4037)	340.20	n	(P-926-A-8315)
170.130	r	(P-4037)	340.30	n	(P-926-A-8315)
170.200	r	(P-4037)	340.40	n	(P-926-A-8315)
170.400	r	(P-4037)	340.50	n	(P-926-A-8315)
170.410	r	(P-4037)	340.60	n	(P-926-A-8315)
170.420	r	(P-4037)	340.70	n	(P-926-A-8315)
300.30	am	(P-4047-A-7707)	340.80	n	(P-926-A-8315)
300.160	am	(P-4047-A-7707)	340.90	n	(P-926-A-8315)
301.90	am	(P-6473(E-6427)	340.100	n	(P-926-A-8315)

340.110	n	(P-926/A-8515)	411.155	n	(P-762/99/A-9348)	412.10	n	(P-3464)	412.10	n	(P-3464)	672.460	am	(P-1763)
340.120	n	(P-926/A-8515)	411.160	n	(P-762/99/A-9348)	412.20	n	(P-3464)	412.20	n	(P-3464)	672.505	am	(P-1763)
340.130	n	(P-926/A-8515)	411.165	n	(P-762/99/A-9348)	412.30	n	(P-3464)	412.30	n	(P-3464)	672.510	am	(P-1763)
340.Ap.A	n	(P-926/A-8515)	411.170	n	(P-762/99/A-9348)	412.40	n	(P-3464)	412.40	n	(P-3464)	672.515	am	(P-1763)
340.Ap.B	n	(P-926/A-8515)	411.175	n	(P-762/99/A-9348)	412.50	n	(P-3464)	412.50	n	(P-3464)	672.600	am	(P-1763)
356.30	am	(P-13438/99/A-6992)	411.180	n	(P-762/99/A-9348)	412.60	n	(P-3464)	412.60	n	(P-3464)	672.610	am	(P-1763)
356.40	am	(P-13438/99/A-6992)	411.185	n	(P-762/99/A-9348)	412.70	n	(P-3464)	412.70	n	(P-3464)	672.615	am	(P-1763)
356.50	am	(P-13438/99/A-6992)	411.190	n	(P-762/99/A-9348)	412.80	n	(P-3464)	412.80	n	(P-3464)	672.620	am	(P-1763)
356.60	am	(P-13438/99/A-6992)	411.195	n	(P-762/99/A-9348)	412.90	n	(P-3464)	412.90	n	(P-3464)	672.630	am	(P-1763)
356.70	am	(P-13438/99/A-6992)	411.200	n	(P-762/99/A-9348)	412.100	n	(P-3464)	412.100	n	(P-3464)	672.640	am	(P-1763)
356.80	n	(P-13438/99/A-6992)	411.205	n	(P-762/99/A-9348)	507.10	am	(P-6239/A-9424)	507.10	am	(P-6239/A-9424)	682.220	am	(P-1931/E-9966)
378.20	am	(P-2050/A-8308/E-2476)	411.210	n	(P-762/99/A-9348)	509.10	n	(P-8719/E-9259)	509.10	n	(P-8719/E-9259)	682.240	r	(P-19/A-7724)
378.30	am	(P-2050/A-8308/E-2476)	411.215	n	(P-762/99/A-9348)	509.15	n	(P-8719/E-9259)	509.15	n	(P-8719/E-9259)	682.250	r	(P-19/A-7724)
386.10	am	(P-5036)	411.305	n	(P-762/99/A-9348)	509.20	n	(P-8719/E-9259)	509.20	n	(P-8719/E-9259)	682.260	r	(P-19/A-7724)
386.20	n	(P-5036)	411.310	n	(P-762/99/A-9348)	509.30	n	(P-8719/E-9259)	509.30	n	(P-8719/E-9259)	682.500	am	(P-19/A-7724)
386.30	n	(P-5036)	411.315	n	(P-762/99/A-9348)	509.40	n	(P-8719/E-9259)	509.40	n	(P-8719/E-9259)	682.510	r	(P-19/A-7724)
386.40	n	(P-5036)	411.320	n	(P-762/99/A-9348)	509.50	n	(P-8719/E-9259)	509.50	n	(P-8719/E-9259)	682.520	am	(P-19/A-7724)
386.40	n	(P-5036)	411.400	n	(P-762/99/A-9348)	509.60	n	(P-8719/E-9259)	509.60	n	(P-8719/E-9259)	684.30	am	(P-3995)
401.Ap.C	am	(P-399/A-9340)	411.405	n	(P-762/99/A-9348)	509.70	n	(P-8719/E-9259)	509.70	n	(P-8719/E-9259)	684.35	am	(P-3995)
402.2	am	(P-6417)	411.410	n	(P-762/99/A-9348)	509.80	n	(P-8719/E-9259)	509.80	n	(P-8719/E-9259)	686.10	am	(P-211-A-7501)
402.8	am	(P-5063)	411.415	n	(P-762/99/A-9348)	509.90	n	(P-8719/E-9259)	509.90	n	(P-8719/E-9259)	686.15	am	(P-211-A-7501)
402.12	am	(P-6417)	411.420	n	(P-762/99/A-9348)	509.100	n	(P-8719/E-9259)	509.100	n	(P-8719/E-9259)	686.20	am	(P-211-A-7501)
403.10	am	(P-5073)	411.425	n	(P-762/99/A-9348)	509.110	n	(P-8719/E-9259)	509.110	n	(P-8719/E-9259)	686.30	am	(P-211-A-7501)
404.37	am	(P-5042)	411.430	n	(P-762/99/A-9348)	511.10	n	(P-8723/E-9278)	511.10	n	(P-8723/E-9278)	686.340	am	(P-211-A-7501)
406.13	am	(P-4207)	411.435	n	(P-762/99/A-9348)	511.20	n	(P-8723/E-9278)	511.20	n	(P-8723/E-9278)	830.35	am	(P-1443/A-8895)
407.10	am	(P-5047)	411.440	n	(P-762/99/A-9348)	511.30	n	(P-8723/E-9278)	511.30	n	(P-8723/E-9278)	1200.35	am	(P-7172)
407.180	am	(P-5047)	411.445	n	(P-762/99/A-9348)	511.40	n	(P-8723/E-9278)	511.40	n	(P-8723/E-9278)	1200.50	am	(P-7172)
407.390	am	(P-5047)	411.450	n	(P-762/99/A-9348)	511.50	n	(P-8723/E-9278)	511.50	n	(P-8723/E-9278)	1200.100	am	(P-7172)
408.65	am	(P-4212)	411.455	n	(P-762/99/A-9348)	511.60	n	(P-8723/E-9278)	511.60	n	(P-8723/E-9278)	1200.Ap.A	am	(P-7172)
410.190	am	(P-5068)	411.460	n	(P-762/99/A-9348)	515.100	am	(P-13176/99/A-6399)	515.100	am	(P-13176/99/A-6399)	386.100	am	(P-11003/99/A-1980)
411.10	n	(P-762/99/A-9348)	411.465	n	(P-762/99/A-9348)	515.110	am	(P-13176/99/A-6399)	515.110	am	(P-13176/99/A-6399)	386.110	n	(P-11003/99/A-1980)
411.15	n	(P-762/99/A-9348)	411.500	n	(P-762/99/A-9348)	515.120	am	(P-13176/99/A-6399)	515.120	am	(P-13176/99/A-6399)	386.120	n	(P-11003/99/A-1980)
411.20	n	(P-762/99/A-9348)	411.505	n	(P-762/99/A-9348)	515.130	am	(P-13176/99/A-6399)	515.130	am	(P-13176/99/A-6399)	386.130	n	(P-11003/99/A-1980)
411.40	n	(P-762/99/A-9348)	411.510	n	(P-762/99/A-9348)	515.140	am	(P-13176/99/A-6399)	515.140	am	(P-13176/99/A-6399)	386.135	n	(P-11003/99/A-1980)
411.45	n	(P-762/99/A-9348)	411.600	n	(P-762/99/A-9348)	515.150	am	(P-13176/99/A-6399)	515.150	am	(P-13176/99/A-6399)	386.140	n	(P-11003/99/A-1980)
411.50	n	(P-762/99/A-9348)	411.605	n	(P-762/99/A-9348)	515.410	am	(P-13176/99/A-6399)	515.410	am	(P-13176/99/A-6399)	386.145	n	(P-11003/99/A-1980)
411.55	n	(P-762/99/A-9348)	411.610	n	(P-762/99/A-9348)	515.430	am	(P-13176/99/A-6399)	515.430	am	(P-13176/99/A-6399)	386.150	n	(P-11003/99/A-1980)
411.60	n	(P-762/99/A-9348)	411.615	n	(P-762/99/A-9348)	590.260	am	(P-4635/E-9278)	590.260	am	(P-4635/E-9278)	390.1000	am	(P-10979/99/A-1954)
411.65	n	(P-762/99/A-9348)	411.620	n	(P-762/99/A-9348)	617.20	am	(P-10780/99/A-2673)	617.20	am	(P-10780/99/A-2673)	390.1010	am	(P-10979/99/A-1954)
411.70	n	(P-762/99/A-9348)	411.625	n	(P-762/99/A-9348)	617.30	am	(P-10780/99/A-2673)	617.30	am	(P-10780/99/A-2673)	390.1020	am	(P-10979/99/A-1954)
411.75	n	(P-762/99/A-9348)	411.630	n	(P-762/99/A-9348)	617.40	am	(P-10780/99/A-2673)	617.40	am	(P-10780/99/A-2673)	390.1030	am	(P-10979/99/A-1954)
411.80	n	(P-762/99/A-9348)	411.700	n	(P-762/99/A-9348)	617.50	am	(P-10780/99/A-2673)	617.50	am	(P-10780/99/A-2673)	390.1040	am	(P-10979/99/A-1954)
411.85	n	(P-762/99/A-9348)	411.705	n	(P-762/99/A-9348)	617.55	am	(P-10780/99/A-2673)	617.55	am	(P-10780/99/A-2673)	391.2000	am	(P-10979/99/A-1954)
411.90	n	(P-762/99/A-9348)	411.710	n	(P-762/99/A-9348)	617.60	am	(P-10780/99/A-2673)	617.60	am	(P-10780/99/A-2673)	391.2010	am	(P-10979/99/A-1954)
411.95	n	(P-762/99/A-9348)	411.715	n	(P-762/99/A-9348)	617.65	am	(P-10780/99/A-2673)	617.65	am	(P-10780/99/A-2673)	391.2020	am	(P-10979/99/A-1954)
411.100	n	(P-762/99/A-9348)	411.720	n	(P-762/99/A-9348)	617.70	am	(P-10780/99/A-2673)	617.70	am	(P-10780/99/A-2673)	391.2030	am	(P-10979/99/A-1954)
411.105	n	(P-762/99/A-9348)	411.725	n	(P-762/99/A-9348)	617.75	am	(P-10780/99/A-2673)	617.75	am	(P-10780/99/A-2673)	391.2040	am	(P-10979/99/A-1954)
411.110	n	(P-762/99/A-9348)	411.730	n	(P-762/99/A-9348)	617.80	am	(P-10780/99/A-2673)	617.80	am	(P-10780/99/A-2673)	391.2050	am	(P-10979/99/A-1954)
411.115	n	(P-762/99/A-9348)	411.735	n	(P-762/99/A-9348)	617.85	am	(P-10780/99/A-2673)	617.85	am	(P-10780/99/A-2673)	391.2060	am	(P-10979/99/A-1954)
411.120	n	(P-762/99/A-9348)	411.740	n	(P-762/99/A-9348)	617.90	am	(P-10780/99/A-2673)	617.90	am	(P-10780/99/A-2673)	391.2070	am	(P-10979/99/A-1954)
411.125	n	(P-762/99/A-9348)	411.800	n	(P-762/99/A-9348)	617.95	am	(P-10780/99/A-2673)	617.95	am	(P-10780/99/A-2673)	391.2080	am	(P-10979/99/A-1954)
411.130	n	(P-762/99/A-9348)	411.805	n	(P-762/99/A-9348)	618.00	am	(P-10780/99/A-2673)	618.00	am	(P-10780/99/A-2673)	391.2090	am	(P-10979/99/A-1954)
411.135	n	(P-762/99/A-9348)	411.810	n	(P-762/99/A-9348)	618.05	am	(P-10780/99/A-2673)	618.05	am	(P-10780/99/A-2673)	391.2100	am	(P-10979/99/A-1954)
411.140	n	(P-762/99/A-9348)	411.815	n	(P-762/99/A-9348)	618.10	am	(P-10780/99/A-2673)	618.10	am	(P-10780/99/A-2673)	391.2110	am	(P-10979/99/A-1954)
411.145	n	(P-762/99/A-9348)	411.820	n	(P-762/99/A-9348)	618.15	am	(P-10780/99/A-2673)	618.15	am	(P-10780/99/A-2673)	391.2120	am	(P-10979/99/A-1954)
411.150	n	(P-762/99/A-9348)	411.825	n	(P-762/99/A-9348)	618.20	am	(P-10780/99/A-2673)	618.20	am	(P-10780/99/A-2673)	391.2130	am	(P-10979/99/A-1954)

460.100	n	(P-6522;W-9970)	740.202	r	(P-12589/99-A-1978)	2520.709	am	(P-4178)(E-4234)
460.110	n	(E-9970)	740.203	r	(P-12589/99-A-1978)	<b>TITLE 95</b>		
460.110	n	(P-6522;W-10004)	740.301	r	(P-12589/99-A-1978)	102.10	r	(P-6559)
460.120	n	(E-9970)	740.302	r	(P-12589/99-A-1978)	102.20	r	(P-6559)
460.120	n	(P-6522;W-10004)	740.303	r	(P-12589/99-A-1978)	102.30	r	(P-6559)
460.130	n	(E-9970)	740.304	r	(P-12589/99-A-1978)	106.10	am	
460.130	n	(P-6522;W-10004)	740.401	r	(P-12589/99-A-1978)	110.10	r	(P-7646)
460.140	n	(E-9970)	740.402	r	(P-12589/99-A-1978)	110.20	r	(P-7646)
460.140	n	(P-6522;W-10004)	740.403	r	(P-12589/99-A-1978)	110.30	r	(P-7646)
460.200	n	(E-9970)	740.404	r	(P-12589/99-A-1978)	110.40	r	(P-7646)
460.200	n	(P-6522;W-10004)	740.501	r	(P-12589/99-A-1978)	110.50	r	(P-7646)
460.210	n	(E-9970)	740.502	r	(P-12589/99-A-1978)	110.60	r	(P-7646)
460.210	n	(P-6522;W-10004)	740.503	r	(P-12589/99-A-1978)	110.70	r	(P-7646)
460.220	n	(E-9970)	740.504	r	(P-12589/99-A-1978)	110.80	r	(P-7646)
460.220	n	(P-6522;W-10004)	740.505	r	(P-12589/99-A-1978)	110.90	r	(P-7646)
460.230	n	(E-9970)	740.506	r	(P-12589/99-A-1978)	110.100	r	(P-7646)
460.230	n	(P-6522;W-10004)	740.507	r	(P-12589/99-A-1978)	110.110	r	(P-7646)
460.240	n	(E-9970)	740.508	r	(P-12589/99-A-1978)	110.120	r	(P-7646)
460.240	n	(P-6522;W-10004)	740.509	r	(P-12589/99-A-1978)	110.130	r	(P-7646)
460.250	n	(E-9970)	740.510	r	(P-12589/99-A-1978)	110.140	r	(P-7646)
460.250	n	(P-6522;W-10004)	1000.70	am	(P-1447-A-6950)(E-1681)	110.150	r	(P-7646)
460.300	n	(E-9970)	1030.60	am	(P-1449-A-6955)(E-1686)	110.160	r	(P-7646)
460.300	n	(P-6522;W-10004)	1030.60	am	(P-11504/99-A-1259)	110.170	r	(P-7646)
460.310	n	(E-9970)	1030.97	am	(P-11504/99-A-1259)	110.180	r	(P-7646)
460.310	n	(P-6522;W-10004)	1035.10	am	(P-11515/99-A-1269)	110.190	r	(P-7646)
460.320	n	(E-9970)	1035.20	am	(P-5885)	110.200	r	(P-7646)
460.320	n	(P-6522;W-10004)	1040.29	am	(P-11478/99-A-1655)	110.210	r	(P-7646)
460.330	n	(E-9970)	1040.33	am	(P-11478/99-A-1655)	110.220	r	(P-7646)
460.330	n	(P-6522;W-10004)	1040.33	am	(P-11478/99-A-1655)	110.230	r	(P-7646)
460.340	n	(E-9970)	1040.51	am	(P-11478/99-A-1655)	110.240	r	(P-7646)
460.340	n	(P-6522;W-10004)	1040.51	am	(P-11478/99-A-1655)	110.250	r	(P-7646)
460.400	n	(E-9970)	1040.101	am	(P-8223)(E-8398)	110.260	r	(P-7646)
460.410	n	(P-6522;W-10004)	1040.150	am	(P-8223)(E-8403)	110.270	r	(P-7646)
460.410	n	(E-9970)	1060.50	am	(P-8225)(E-8403)	110.280	r	(P-7646)
460.410	n	(P-6522;W-10004)	1060.110	am	(P-8225)(E-8403)	110.290	r	(P-7646)
460.500	n	(E-9970)	1060.180	am	(P-8225)(E-8403)	110.300	r	(P-7646)
460.500	n	(P-6522;W-10004)	1060.190	am	(P-8225)(E-8403)	110.310	r	(P-7646)
460.510	n	(E-9970)	1060.200	am	(P-8225)(E-8403)	110.320	r	(P-7646)
460.520	n	(P-6522;W-10004)	1070.10	am	(P-11495/99-A-1672)	110.330	r	(P-7646)
460.520	n	(E-9970)	1070.30	am	(P-11495/99-A-1672)	110.340	r	(P-7646)
460.600	n	(E-9970)	1070.40	am	(P-11495/99-A-1672)	117.10	r	(P-7950)
460.600	n	(P-6522;W-10004)	2520.110	am	(P-4178)(E-4234)	117.20	r	(P-7950)
460.605	n	(E-9970)	2520.110	am	(P-4178)(E-4234)	117.30	r	(P-7950)
460.605	n	(P-6522;W-10004)	2520.204	am	(P-4178)(E-4234)	117.40	r	(P-7950)
460.610	n	(E-9970)	2520.206	am	(P-4178)(E-4234)	117.50	r	(P-7950)
460.610	n	(P-6522;W-10004)	2520.224	am	(P-4178)(E-4234)	117.60	r	(P-7950)
460.620	n	(E-9970)	2520.224	am	(P-4178)(E-4234)	119.10	r	(P-7187)
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